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TITLE 19
PUBLIC FINANCE
(CHAPTERS 1-5 IN VOLUME 19A)

CHAPTER.

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CHAPTER 6
REVENUE CLASSIFICATION LAW

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SUBCHAPTER 2 — GENERAL REVENUES

SECTION.

19-6-201. General revenues enumerated.

Effective Dates. Acts 2008 (1st Ex. Sess.), No. 4, §§ 2 and 3: Jan. 1, 2009, by their own terms.

Acts 2008 (1st Ex. Sess.), No. 5, §§ 2 and 3: Jan. 1, 2009, by their own terms.

Acts 2008 (1st Ex. Sess.), Nos. 4 and 5, § 12: Jan. 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly that state and local roads and highways are in need of substantial expansion, maintenance and repair, and that additional funding is necessary to address this need. It is also found and determined that increasing development and exploitation of natural gas resources in the Fayetteville Shale Play and in other areas of this state has significantly increased the burden and wear and tear on state and local roads and highway, further exacerbating the need for maintenance and repair. It is also found and

determined that previous surpluses in state revenue have been largely spent to improve public education and educational facilities in this state, as was required by the Constitution as interpreted by the Arkansas Supreme Court in the Lake View case and additional revenues must be generated from other sources to address the needs of our roads and highways. It is further found and determined that due to recent and dramatic increases in the price of gasoline, and the fact that funds for highways are generated from a flat per-gallon tax, the increasing use of more fuel-efficient vehicles has caused a condition in which revenue for roads and highways has not kept pace with the wear and tear caused by vehicular use. It is further found and determined that immediate enactment of this bill is necessary to provide adequate time for various admin-

istrative agencies of state government to prepare the necessary reporting forms and instructions, to educate taxpayers responsible for paying the additional taxes levied herein, and take other steps necessary for the proper implementation and administration of this act. Therefore, the General Assembly hereby finds and declares that an emergency exists, pursuant to Article V, § 38 of the Arkansas Constitution, and this Act, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after January 1, 2009.”

Acts 2009, No. 484, § 8: July 1, 2010.

Acts 2009, No. 1464, § 11: July 1, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that various laws have been enacted since the passage of the Revenue Classification Law which have changed or created various revenues collected by the State, and that this amendment to the Revenue Classification Law is necessary in order to reflect the various taxes, licenses, fees and other revenues levied and collected for the support of and use by State Government as they currently exist and from which appropria-

tions which become effective July 1, 2009 have been made by the Eighty-Seventh General Assembly. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009.”

Acts 2011, No. 1008, § 10: July 1, 2011. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that various laws have been enacted since the passage of the Revenue Classification Law which have changed or created various revenues collected by the State, and that this amendment to the Revenue Classification Law is necessary in order to reflect the various taxes, licenses, fees and other revenues levied and collected for the support of and use by State Government as they currently exist and from which appropriations which become effective July 1, 2011 have been made by the Eighty-Eighth General Assembly. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011.”

Acts 2011, No. 1058, § 6: July 1, 2012.

19-6-201. General revenues enumerated.

The general revenues of the state, as provided by law, shall consist of the following, as described by their commonly known titles:

(1) Sales taxes, as enacted by Acts 1941, No. 386, known as the “Arkansas Gross Receipts Act of 1941”, and all laws supplemental or amendatory thereto, § 26-52-101 et seq.;

(2) Use taxes as enacted by Acts 1949, No. 487, known as the “Arkansas Compensating Tax Act of 1949”, Acts 1971, No. 222, and all laws supplemental or amendatory thereto, § 26-53-101 et seq.;

(3) Corporation franchise taxes, as enacted by Acts 1979, No. 889, known as the “Arkansas Corporate Franchise Tax Act of 1979”, and all laws amendatory thereto, § 26-54-101 et seq.;

(4) Corporation income taxes, as enacted by Acts 1929, No. 118, known as the “Income Tax Act of 1929”, Acts 1941, No. 129, and all laws amendatory thereto, § 26-51-101 et seq., with the exception of those additional corporate income taxes set aside as special revenue by § 26-51-205(c)(2);

(5) Individual income taxes, as enacted by Acts 1929, No. 118, known as the "Income Tax Act of 1929", and all laws amendatory thereto, § 26-51-101 et seq.;

(6) Cigarette taxes and permits and other tobacco products taxes and permits, as enacted by Acts 1977, No. 546, known as the "Arkansas Tobacco Products Tax Act of 1977", and all laws amendatory thereto, § 26-57-201 et seq.;

(7) Escheat of unclaimed property, as enacted by Acts 1999, No. 850, known as the "Unclaimed Property Act", and all laws amendatory thereto, § 18-28-201 et seq.;

(8) [Repealed.]

(9) Seventy-five percent (75%) of all severance taxes, with the exception of the taxes paid to sever timber and timber products, the severance tax collected on natural gas, and those portions of severance taxes designated as special revenues in § 19-6-301, as enacted by Acts 1947, No. 136, and all laws amendatory thereto, §§ 26-58-101 — 26-58-103, 26-58-106 — 26-58-111, 26-58-114 — 26-58-116, 26-58-118 — 26-58-120, 26-58-123, and 26-58-124;

(10) Sand, gravel, oil, coal, and other mineral royalties, as enacted by Acts 1975, No. 524, and all laws amendatory thereto, §§ 22-5-801 — 22-5-813;

(11) Oil and gas leases, as enacted by Acts 1975, No. 524, and all laws amendatory thereto, §§ 22-5-801 — 22-5-813;

(12) Petroleum trade practices civil penalties, as enacted by Acts 1993, No. 380;

(13) Estate taxes, as enacted by Acts 1941, No. 136, known as the "Estate Tax Law of Arkansas", and all laws amendatory thereto, §§ 26-59-101 — 26-59-107, 26-59-109 — 26-59-114, 26-59-116 — 26-59-119, 26-59-121, and 26-59-122;

(14) Those portions of real estate transfer taxes, as enacted by Acts 1971, No. 275, and all laws amendatory thereto, §§ 26-60-101 — 26-60-103 and 26-60-105 — 26-60-112;

(15) State Insurance Department Trust Fund moneys in excess of an amount equal to three (3) fiscal year budgets for the State Insurance Department, § 23-61-710(c);

(16) Large truck speeding fines, § 27-50-311;

(17) Employment agency licenses, as enacted by Acts 1975, No. 493, known as the "Arkansas Private Employment Agency Act of 1975", and all laws amendatory thereto, § 11-11-201 et seq.;

(18) [Repealed.]

(19) Insurance premium taxes, as enacted by Acts 1959, No. 148, known as the "Arkansas Insurance Code", §§ 23-60-101 — 23-60-108, 23-60-110, 23-61-101 — 23-61-112, 23-61-201 — 23-61-206, 23-61-301 — 23-61-307, 23-61-401, 23-61-402, 23-62-101 — 23-62-108, 23-62-201, 23-62-202, former 23-62-203, 23-62-204, 23-62-205, 23-63-101 [repealed], 23-63-102 — 23-63-104, 23-63-201 — 23-63-216, 23-63-301, 23-63-302, 23-63-401 — 23-63-404 [repealed], 23-63-601 — 23-63-604, 23-63-605 — 23-63-609 [repealed], 23-63-610 — 23-63-613, 23-63-701,

23-63-801 — 23-63-833, 23-63-835, 23-63-836 [as added by Acts 1983, No. 522], 23-63-837 [as added by Acts 1983, No. 522], 23-63-838 [repealed], 23-63-901 — 23-63-912, 23-63-1001 — 23-63-1004, 23-64-101 — 23-64-103, 23-64-201 — 23-64-205, 23-64-206 [repealed], 23-64-207, 23-64-208 [repealed], 23-64-209, 23-64-210, 23-64-211 — 23-64-213 [repealed], 23-64-214 — 23-64-221, 23-64-222 [repealed], 23-64-223 — 23-64-227, 23-65-101 — 23-65-104, 23-65-201 — 23-65-205, 23-65-301 — 23-65-319, 23-66-201 — 23-66-214, 23-66-301 — 23-66-306, 23-66-308 — 23-66-311, 23-66-313, 23-66-314, 23-68-101 — 23-68-113, 23-68-115 — 23-68-132, 23-69-101 — 23-69-103, 23-69-105 — 23-69-141, 23-69-143, 23-69-149 — 23-69-156, 23-70-101 — 23-70-124, 23-71-101 — 23-71-116, 23-72-101 — 23-72-122, 23-73-101 — 23-73-107, 23-73-108 [repealed], 23-73-109 [repealed], 23-73-110 — 23-73-116, former 23-74-101 — 23-74-105, 23-74-106 — 23-74-141 [repealed], 23-75-101 — 23-75-116, 23-75-117 [repealed], 23-75-118 — 23-75-120, 23-79-101 — 23-79-106, 23-79-109 — 23-79-128, 23-79-131 — 23-79-134, 23-79-202 — 23-79-210, 23-81-101 — 23-81-117, 23-81-120 — 23-81-136, 23-81-201 — 23-81-213, 23-82-101 — 23-82-118, 23-84-101 — 23-84-111, 23-85-101 — 23-85-131, 23-86-101 — 23-86-104, 23-86-106 — 23-86-109, 23-86-112, 23-87-101 — 23-87-119, 23-88-101, 23-89-101, 23-89-102, 26-57-601 — 26-57-605, 26-57-607, 26-57-608, and 26-57-610 and all laws amendatory thereto, with the exception of those premium taxes set aside for the various municipal firemen's pension and relief funds, for the various police officers' pension and relief funds, and for the Workers' Compensation Commission and, with the exception of those additional premium taxes set aside for the Fire Protection Premium Tax Fund, § 26-57-614, and insurance premium taxes from domestic insurers not maintaining a home office in this state as enacted by Acts 1979, No. 908, and all laws amendatory thereto, §§ 23-60-102, 26-57-601 — 26-57-605, and 26-57-607;

(20) Horse racing taxes and fees, including the portion of all moneys wagered, as set out in Acts 1957, No. 46, § 23, as amended, §§ 23-110-406, 23-110-407, 23-110-408 [repealed], 23-110-409, and 23-110-410, the annual license fee, ten percent (10%) of admissions or ten cents (10¢) per admission, whichever sum is greater, one-third ($\frac{1}{3}$) of the unredeemed pari-mutuel tickets, and the license fees of owners, trainers, jockeys, and jockeys' agents, all as enacted by Acts 1957, No. 46, known as the "Arkansas Horse Racing Law", and all laws amendatory thereto, §§ 23-110-101 — 23-110-104, 23-110-201 — 23-110-205, 23-110-301 — 23-110-307, 23-110-401 — 23-110-403, 23-110-404 [repealed], 23-110-405 — 23-110-407, 23-110-408 [repealed], and 23-110-409 — 23-110-415;

(21) Dog racing taxes and fees, including three percent (3%) of all moneys wagered up to and including one hundred twenty-five million dollars (\$125,000,000) and seven percent (7%) of all moneys wagered in excess of one hundred twenty-five million dollars (\$125,000,000) per calendar year at two hundred forty-four (244) days of racing, one-third ($\frac{1}{3}$) of the odd cents or breaks, the daily operating license fee and fees

paid by each greyhound owner and trainer, simulcast taxes of two percent (2%) of all moneys wagered up to and including three hundred fifty thousand dollars (\$350,000), three percent (3%) in excess of three hundred fifty thousand dollars (\$350,000) but less than or equal to five hundred thousand dollars (\$500,000), and six percent (6%) in excess of five hundred thousand dollars (\$500,000), per racing performance and ten percent (10%) of admissions or ten cents (10¢) per admission, whichever sum is greater, as enacted by Acts 1957, No. 191, known as the "Arkansas Greyhound Racing Law", §§ 23-111-101 — 23-111-104, 23-111-201 — 23-111-205, 23-111-301 — 23-111-308, 23-111-501, 23-111-506, 23-111-507 [repealed], and 23-111-508 — 23-111-514, and all laws amendatory thereto, and the additional four (4) of six (6) days of racing authorized in § 23-111-504;

(22) Alcoholic beverages taxes, permits, licenses, and fees, including the following:

(A) Liquor gallonage taxes and imported wine taxes, as enacted by Acts 1935, No. 109, and all laws amendatory thereto, §§ 3-7-101 — 3-7-110;

(B) Permits and fees for manufacturer and dispensary privileges, as enacted by Acts 1935, No. 108, known as the "Arkansas Alcoholic Control Act", and all laws amendatory thereto, §§ 3-1-101 — 3-1-103, 3-2-101, 3-2-205, 3-3-101 — 3-3-103, 3-3-212, 3-3-401, 3-3-404, 3-3-405, 3-4-101 — 3-4-103, 3-4-201, 3-4-202, 3-4-207 — 3-4-211, 3-4-213, 3-4-214, 3-4-215 [repealed], 3-4-217, 3-4-219, 3-4-220, 3-4-301 — 3-4-303, 3-4-501, 3-4-503, 3-4-601 — 3-4-605, 3-8-301 — 3-8-310, 3-8-311 [repealed], 3-8-313 — 3-8-317, 3-9-237, and 23-12-708;

(C) Nonintoxicating beer and wine taxes, as enacted by Acts 1933 (1st Ex. Sess.), No. 7, and all laws amendatory thereto, §§ 3-5-201 — 3-5-207, 3-5-209 — 3-5-221, 3-5-223 — 3-5-225, and 3-8-401;

(D) Brandy taxes and fees, as enacted by Acts 1953, No. 163, known as the "Native Brandy Law", and all laws amendatory thereto, § 3-6-101 et seq.;

(E) The additional taxes on native wine and beer and the additional permits fees for retail liquor and beer permits and wholesale liquor and beer permits, as enacted by Acts 1969, No. 271, and all laws amendatory thereto, §§ 3-7-111 and 3-7-506;

(F) The additional taxes on liquor and native wine, as enacted by Acts 1949, No. 282, and all laws amendatory thereto, §§ 3-3-314 and 3-7-111;

(G) The special alcoholic beverage excise taxes, as enacted by Acts 1951, No. 252, and all laws amendatory thereto, §§ 3-7-201 and 3-7-205;

(H) Wholesale and retail permits and fees for the sale of liquor and beer, as enacted by Acts 1933 (1st Ex. Sess.), No. 7, and all laws amendatory thereto, §§ 3-5-201 — 3-5-207, 3-5-209 — 3-5-221, 3-5-223 — 3-5-225, and 3-8-401;

(I) Restaurant wine permits, as enacted by Acts 1965, No. 120, and all laws amendatory thereto, §§ 3-9-301 — 3-9-303 and 3-9-305 — 3-9-307;

(J) Permits and taxes on alcoholic beverages sold for on-premises consumption, as enacted by Acts 1969, No. 132, and all laws amendatory thereto, §§ 3-9-201 — 3-9-214, 3-9-221 — 3-9-225, and 3-9-232 — 3-9-237;

(K) Seventy cents (70¢) per gallon of the tax levied upon native wine, permits and fees, as enacted by §§ 3-5-401 — 3-5-412 [repealed]; and

(L) Wine sales on-premise licenses, §§ 3-9-601 — 3-9-606;

(23) Sale of confiscated alcoholic beverages, as enacted by Acts 1947, No. 423, and all laws amendatory thereto, §§ 3-3-301 — 3-3-303, 3-3-304 [repealed], 3-3-308 [repealed], and 3-3-311 — 3-3-314;

(24) Fees collected by the Alcoholic Beverage Control Division of the Department of Finance and Administration for transcripts and fines for violations, as enacted by Acts 1981, No. 790, and all laws amendatory thereto, §§ 3-2-201, 3-2-217, 3-4-213, 3-4-401 — 3-4-406, 3-4-502, 3-5-305, and 3-5-306;

(25) Any fines, penalties, or court costs received in connection with the collection of any of the revenues enumerated in this section;

(26) Any other taxes, fees, license fees, and permits required to be deposited into the State Treasury as provided by law and not otherwise classified;

(27) Savings and loan associations' application fees, annual fees, amendment fees, examination fees, broker's license fees, and other miscellaneous fees, as enacted by Acts 1963, No. 227, §§ 23-37-101 — 23-37-107, 23-37-201, 23-37-202, 23-37-203 [repealed], 23-37-204, 23-37-205 [repealed], 23-37-206 — 23-37-212, 23-37-213 [repealed], 23-37-214, 23-37-301 — 23-37-315, 23-37-401, 23-37-403, 23-37-405, 23-37-406, 23-37-501 — 23-37-512, 23-37-601 — 23-37-603, and 23-37-701 — 23-37-705;

(28) Credit union charter fees, annual supervision fees, and examination fees, as enacted by Acts 1971, No. 132, § 23-35-101 et seq.;

(29) Sale of checks, investigation fees, annual license fees, semiannual reports filing fees, and examination fees, as enacted by Acts 1965, No. 124, known as the "Sale of Checks Act", § 23-41-101 et seq. [repealed];

(30) Securities division fees, including loan broker's licenses, mortgage loan company licenses, broker-dealer licenses, agent licenses, investment advisor licenses, agent examination fees, broker-dealer examination fees, statement filing fees, quarterly reports, and proof of exemption filing fees, all as enacted by Acts 1959, No. 254, known as the "Arkansas Securities Act", and all laws amendatory thereto, §§ 23-42-101 — 23-42-110, 23-42-201 — 23-42-212, 23-42-301 — 23-42-308, 23-42-401 — 23-42-405, and 23-42-501 — 23-42-507;

(31) Professional fundraiser and solicitor fees, as enacted by §§ 4-28-401 — 4-28-416;

(32) Unclaimed security deposits, as enacted by Acts 1969, No. 296, as amended by Acts 1975, No. 1007, §§ 27-19-306, 27-19-408, 27-19-501, 27-19-503, 27-19-603, 27-19-609, 27-19-610, 27-19-612, 27-19-619 — 27-19-621, and 27-19-706 — 27-19-708;

(33) Vending devices sales taxes, as enacted in § 26-57-1001 et seq. and that portion of vending device decal fees and penalties provided in § 26-57-1201 et seq.;

(34) Anonymous campaign contributions of fifty dollars (\$50.00) or more, as enacted by Acts 1975, No. 788, and all laws amendatory thereto, §§ 7-6-201 — 7-6-210, 7-6-211 [repealed], 7-6-212 [repealed], 7-6-213, and 7-6-214;

(35) Telephonic sellers registration fees, § 4-99-104;

(36) Long-term rental vehicle tax, § 26-63-304;

(37) Arkansas State Highway and Transportation Department miscellaneous fees, permits, penalties, and fines, as enacted by Acts 1955, No. 397, known as the "Arkansas Motor Carrier Act, 1955", and all laws amendatory thereto, § 23-13-201 et seq.;

(38) Radiation protection civil penalties, as enacted by Acts 1980 (1st Ex. Sess.), No. 67, and all laws amendatory thereto, § 20-21-401 et seq.;

(39) That portion of DWI operator's license reinstatement fees, § 5-65-119(a)(3), and that portion of "Underage DUI Law" driver's license reinstatement fees, §§ 5-65-304(d) and 5-65-310(f);

(40) Short-term rental of tangible personal property tax, § 26-63-301;

(41) Excess campaign contributions, as enacted by § 7-6-203;

(42) Retail pet store registration fees, as enacted by § 4-97-104;

(43) Rental vehicle tax, § 26-63-302;

(44) Residential moving tax, § 26-63-303;

(45) Arkansas Quarry Operation, Reclamation, and Safe Closure Act fees, fines, and bond forfeiture amounts, § 15-57-401 et seq.;

(46) [Repealed.]

(47) [Repealed.]

(48) Arkansas Feed Law of 1997 penalties, § 2-37-113;

(49) Election, voter registration law, and State Board of Election Commissioners fines, § 7-4-101;

(50) Remaining funds on dissolution of ballot question committees or legislative question committees, § 7-9-404;

(51) Uniform Athlete Agents Act registration and renewal fees, § 17-16-109;

(52) Until July 1, 2011, moneys in excess of one million dollars (\$1,000,000) in the Securities Department Fund from collections of securities agents initial or renewal registration filing fees and securities registration statement filing fees, § 23-42-211(a)(4);

(53) Human cloning fines, § 20-16-1002;

(54) Unregistered vehicle temporary preprinted paper buyer's tag fees, § 27-14-1705;

(55) Electronic games of skill privilege fees and all permit or license fees, penalties, and fines received by the Arkansas Racing Commission, § 23-113-604;

(56) Prohibited employment of relatives civil penalties, § 25-16-1001 et seq.;

(57) Five percent (5%) of the severance tax collected on natural gas at the rates enacted by § 26-58-111(5);

(58) Seventy-six and six-tenths percent (76.6%) of all taxes, interest, penalties, and costs on taxes levied on the gross receipts or gross proceeds derived from the sale of food and food ingredients, § 26-52-317(c)(1)(A);

(59) Seventy-six and six-tenths percent (76.6%) of the tax, interest, penalties, and costs received on excise taxes levied on the gross receipts or gross proceeds derived from the sale of natural gas and electricity to a manufacturer for use directly in the actual manufacturing process, § 26-52-319(a)(3)(A);

(60) Seventy-six and six-tenths percent (76.6%) of the taxes, interest, penalties, and costs received on taxes levied on the privilege of storing, using, distributing, or using food and food ingredients, § 26-53-145(c)(1)(A);

(61) Seventy-six and six-tenths percent (76.6%) of the tax, interest, penalties, and costs received on excise taxes levied on the sales price of natural gas and electricity purchased by a manufacturer for use directly in the actual manufacturing process, § 26-53-148(a)(3)(A);

(62) Seventy-six and six-tenths percent (76.6%) of the excise taxes levied on all dyed distillate special fuel sold, used, or utilized in the state, § 26-56-224(c)(1);

(63) That portion of Unified Carrier Registration Act of 2005, Pub. L. No. 109-59, § 4301 et seq. — fines and penalties, § 23-13-605;

(64) Charitable bingo and raffle license fees and excise taxes levied as enacted by §§ 23-114-302, 23-114-307, and 23-114-601;

(65) Additional tax on cigarettes and tobacco products other than cigarettes, as enacted by Acts 2009, No. 180, and all laws amendatory thereto, § 26-57-801 et seq.;

(66) Partial-birth abortion civil fines and penalties, as enacted by Acts 2009, No. 196, and all laws amendatory thereto, the Partial-Birth Abortion Ban Act, § 20-16-1201 et seq.;

(67) International student exchange visitor placement organization registration fees, as enacted by Acts 2009, No. 966, and all laws amendatory thereto, the International Student Exchange Visitor Placement Organization Registration Act § 6-18-1701 et seq.; and

(68) **[Effective July 1, 2012.]** The first four million dollars (\$4,000,000) of the eight and one-half cent (8½¢) tax on distillate special fuels levied each fiscal year under § 26-56-201(a)(1)(A)(i).

History. Acts 1973, No. 808, § 7; 1975, No. 863, § 6; 1979, No. 1027, §§ 1, 10; 1983, No. 222, §§ 1, 2; 1985, No. 65, §§ 1, 2; 1985, No. 479, § 14; 1985, No. 888, § 16; A.S.A. 1947, § 13-503.6; Acts 1987, No. 792, §§ 1, 6; 1989, No. 551, § 1; 1993, No. 1072, §§ 1, 2, 16; 1993, No. 1073, § 28; 1995, No. 270, §§ 1, 12; 1997, No. 298, §§ 1, 12; 1999, No. 282, §§ 1, 2; 1999, No. 1152, § 3; 2001, No. 229, §§ 1-4; 2003, No. 28, §§ 1-6; 2005, No. 20, § 1; 2007, No. 182, §§ 17-19; 2007, No. 407, § 1;

2008 (1st Ex. Sess.), No. 4, §§ 2, 3; 2008 (1st Ex. Sess.), No. 5, §§ 2, 3; 2009, No. 484, § 1; 2009, No. 1464, § 1; 2011, No. 1008, § 1; 2011, No. 1058, § 1.

A.C.R.C. Notes. Acts 2008 (1st Ex. Sess.), Nos. 4 and 5, § 1, provided: "Legislative findings and intent.

"(a) The General Assembly has determined that the severance tax rate on natural gas should be increased and that there should be different rates of tax for different categories of natural gas.

“(b) Amendment 19 of the Arkansas Constitution required this act to be passed by at least three-fourths of the members of the Senate and at least three-fourths of the members of the House of Representatives.

“(c) In order to implement the increase in the severance tax rate, the General Assembly has identified the following four categories of natural gas, each as defined in Arkansas Code § 26-58-101:

“(1) High-cost gas;

“(2) Marginal gas;

“(3) New discovery gas; and

“(4) All natural gas that is not defined as high-cost gas, marginal gas, or new discovery gas.

“(d) To increase the severance tax rate, the General Assembly used the method of levying a specific tax rate on each category so that any future legislative enactment that would have the effect of increasing the rate of severance tax on any of those categories of natural gas as defined by § 26-58-101 will also be subject to the three-fourths vote requirement of Amendment 19 of the Arkansas Constitution.”

Amendments. The 2011 amendment by No. 1008 added (65) through (67).

The 2011 amendment by No. 1058 added (68).

Effective Dates. Acts 2011, No. 1058, § 6: July 1, 2012.

SUBCHAPTER 3 — SPECIAL REVENUES

SECTION.

19-6-301. Special revenues enumerated.

Effective Dates. Acts 2008 (1st Ex. Sess.), No. 4, §§ 4 and 5: Jan. 1, 2009, by their own terms.

Acts 2008 (1st Ex. Sess.), No. 5, §§ 4 and 5: Jan. 1, 2009, by their own terms.

Acts 2008 (1st Ex. Sess.), Nos. 4 and 5, § 12: Jan. 1, 2009. Emergency clause provided: “It is found and determined by the General Assembly that state and local roads and highways are in need of substantial expansion, maintenance and repair, and that additional funding is necessary to address this need. It is also found and determined that increasing development and exploitation of natural gas resources in the Fayetteville Shale Play and in other areas of this state has significantly increased the burden and wear and tear on state and local roads and highway, further exacerbating the need for maintenance and repair. It is also found and determined that previous surpluses in state revenue have been largely spent to improve public education and educational facilities in this state, as was required by the Constitution as interpreted by the Arkansas Supreme Court in the Lake View case and additional revenues must be generated from other sources to address the needs of our roads and highways. It is further found and determined that due to recent and dramatic increases

in the price of gasoline, and the fact that funds for highways are generated from a flat per-gallon tax, the increasing use of more fuel-efficient vehicles has caused a condition in which revenue for roads and highways has not kept pace with the wear and tear caused by vehicular use. It is further found and determined that immediate enactment of this bill is necessary to provide adequate time for various administrative agencies of state government to prepare the necessary reporting forms and instructions, to educate taxpayers responsible for paying the additional taxes levied herein, and take other steps necessary for the proper implementation and administration of this act. Therefore, the General Assembly hereby finds and declares that an emergency exists, pursuant to Article V, § 38 of the Arkansas Constitution, and this Act, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after January 1, 2009.”

Acts 2009, No. 610, § 11: July 1, 2009. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1,

2009 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2009 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2009."

Acts 2009, No. 1464, § 11: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that various laws have been enacted since the passage of the Revenue Classification Law which have changed or created various revenues collected by the State, and that this amendment to the Revenue Classification Law is necessary in order to reflect the various taxes, licenses, fees and other revenues levied and collected for the support of and use by State Government as they currently exist and from which appropriations which become effective July 1, 2009 have been made by the Eighty-Seventh General Assembly. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

Acts 2011, No. 173, § 3: July 1, 2011. Emergency clause provided: "It is found and determined by the General Assembly

of the State of Arkansas that this act provides for the creation of a surcharge upon commercial mobile radio service providers per subject telephone number per month to support the Telecommunications Equipment Fund, and that the optimal time to implement this surcharge is at the beginning of the state's fiscal year. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011."

Acts 2011, No. 828, § 11: Oct. 1, 2011. Effective date clause provided: "Sections 1 through 10 of this act are effective on the first day of the calendar quarter following the effective date of this act."

Acts 2011, No. 1008, § 10: July 1, 2011. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that various laws have been enacted since the passage of the Revenue Classification Law which have changed or created various revenues collected by the State, and that this amendment to the Revenue Classification Law is necessary in order to reflect the various taxes, licenses, fees and other revenues levied and collected for the support of and use by State Government as they currently exist and from which appropriations which become effective July 1, 2011 have been made by the Eighty-Eighth General Assembly. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011."

Acts 2011, No. 1058, § 6: July 1, 2012.

19-6-301. Special revenues enumerated.

The special revenues of the state, its agencies, departments, institutions, commissions, and boards, as provided by law and as required by law to be deposited into the State Treasury, shall consist of the following, as described by their commonly known titles:

(1) The remainder of motor vehicle operator and chauffeur licenses and penalties, as confirmed and enacted by §§ 12-8-301 — 12-8-310, known as the "Department of Arkansas State Police Communications Equipment Leasing Act", which are not required for debt service requirements that are authorized to be deposited into the State Treasury under §§ 12-8-307 — 12-8-310;

(2) Motor vehicle registration and license fees, as enacted by Acts 1929, No. 65, §§ 26-55-101, 27-14-305, 27-14-601, 27-15-1501 [repealed], 27-64-104, 27-65-101, 27-65-107, 27-65-110, 27-65-112, 27-65-131 — 27-65-133, 27-67-101, 27-67-102, 27-67-201, 27-67-206 — 27-67-208, 27-67-211, 27-67-214, and 27-67-218, and all laws amendatory thereto, Acts 1965, No. 87, § 27-15-4001, Acts 1959, No. 122, § 27-15-2101 [repealed], Acts 1959, No. 189, § 27-15-2003 [repealed], and Acts 1969, No. 36, §§ 27-15-401 — 27-15-406 [repealed];

(3) Distillate special motor fuels taxes and liquefied gas special motor fuels taxes and license and permit fees, as enacted by § 26-56-101 et seq., known as the “Special Motor Fuels Tax Law”, and all laws amendatory thereto, including the:

(A) **[Effective until July 1, 2012.]** Nine and one-half cent (9.5¢) tax on distillate special motor fuels levied by § 26-56-201(a)(1);

(A) **[Effective July 1, 2012.]** Eight and one-half cent (8.5¢) tax on distillate special motor fuels levied by § 26-56-201(a)(1)(A)(i), after the deduction of the first four million dollars (\$4,000,000) each fiscal year under § 26-56-201(g)(1) and one cent (1¢) tax on distillate special motor fuels levied by § 26-56-201(a)(1)(A)(ii);

(B) Seven and one-half cent (7.5¢) tax on liquefied gas special motor fuels levied by § 26-56-301(a);

(C) Additional one cent (1¢) tax on distillate special motor fuels levied by § 26-56-201(a)(2);

(D) Additional four cent (4¢) tax on liquefied gas special motor fuels and the additional two cent (2¢) tax on distillate special motor fuels levied by § 26-56-502(a);

(E) Additional four cent (4¢) tax on distillate special motor fuels levied by § 26-56-201(d)(1);

(F) Additional five cent (5¢) tax on liquefied gas special motor fuels and the additional two cent (2¢) tax on distillate special motor fuels levied by §§ 26-55-1201(a) and 26-56-601; and

(G) Additional liquefied gas special motor fuels user permit fees levied in § 26-55-1002;

(4) Gasoline taxes, as enacted by § 26-55-201 et seq., including the:

(A) Eight and one-half cent (8.5¢) tax on motor fuels levied by § 26-55-205(a);

(B) Additional one cent (1¢) tax on motor fuels levied by § 26-55-205(b);

(C) Additional four cent (4¢) tax on motor fuels levied by § 26-55-1002(a);

(D) Additional five cent (5¢) tax on motor fuels levied by §§ 26-55-1201(a) and 26-56-601; and

(E) Additional total of three cents (3¢) tax on motor fuels levied by § 26-55-1006;

(5) Fireworks licenses, as enacted by Acts 1961, No. 224, and all laws amendatory thereto, §§ 20-22-701 — 20-22-715;

(6) Timberlands taxes, as enacted by Acts 1969, No. 354, known as the “Forest Fire Protection Tax Act of 1969”, and all laws amendatory

thereto, § 26-61-101 et seq., state forests and nurseries management income not deposited into the State Forestry Trust Fund, §§ 15-31-115 and 19-5-927; law enforcement fine collections, §§ 15-31-113 and 15-31-114; and timber management plan fees, § 15-31-111;

(7) Motor vehicle in-transit fees, as enacted by Acts 1935, No. 183, and all laws amendatory thereto, §§ 27-14-1801 — 27-14-1808;

(8) Motor vehicle drive-out licenses, as enacted by Acts 1955, No. 111, §§ 27-14-2101 — 27-14-2105;

(9) Motor vehicle certificates of title and duplicates, noting liens, transfer of registration and duplicate or substitute registration certificates and license plates, § 27-14-602, in excess of and after the amounts required to pay the principal and interest on loans and bonds have been made under the 1995 New Revenue Division Building Act, Acts 1995, No. 725;

(10) Overweight and special permits for vehicles and overlength crane permits, as enacted by Acts 1955, No. 98, and all laws amendatory thereto, §§ 27-35-201 — 27-35-203, 27-35-206 — 27-35-208, and 27-35-210; and, overwidth or overlength mobile home permits, as enacted by Acts 1971, No. 264, and all laws amendatory thereto, § 27-35-211 and § 27-35-301 et seq.;

(11) Motor vehicle title registration fees and the noting of liens fees, as enacted by Acts 1949, No. 142, known as the "Uniform Motor Vehicle Administration, Certificate of Title, and Antitheft Act", and all laws amendatory thereto, § 27-14-101 et seq., § 27-14-201 et seq., §§ 27-14-301 — 27-14-304, 27-14-306 — 27-14-308, 27-14-310, 27-14-312, 27-14-313, § 27-14-401 et seq., §§ 27-14-602, 27-14-604, 27-14-606, 27-14-701, 27-14-703, 27-14-705, 27-14-707, 27-14-708, 27-14-710 — 27-14-716, 27-14-718 — 27-14-722, 27-14-801 — 27-14-804, 27-14-901 — 27-14-904, 27-14-905 [repealed], 27-14-906 — 27-14-913, § 27-14-1701 et seq., § 27-14-2001 et seq., §§ 27-14-2203 [repealed], 27-14-2204, 27-14-2205, 27-14-2207, 27-14-2210, and 27-14-2211, which are in excess of the amount required by Acts 1961 (1st Ex. Sess.), No. 38, known as the "Arkansas Revenue Department Building Act", to be cash funds pledged for the principal and interest payments of the Arkansas Revenue Department Building Commission revenue bonds;

(12) Soybean assessments, as enacted by Acts 1971, No. 259, §§ 2-20-401, 2-20-403, 2-20-404, and 2-20-406 — 2-20-409;

(13) Paying patients' fees, excluding those received from Medicare or Medicaid and the Social Security Administration, or from other sources which cause a decrease in the monthly vendor payment, for services provided by the appropriate Division of Behavioral Health and Division of Developmental Disabilities Services divisions and programs of the Department of Human Services;

(14) Fees received by the Arkansas Crime Information Center for driver's records and other informational services, as enacted by Acts 1971, No. 286, and all laws amendatory thereto, §§ 12-12-201 — 12-12-203, 12-12-206, 12-12-207, 12-12-209, and 12-12-211 — 12-12-213;

(15) Dog racing taxes derived from all revenues from the pari-mutuel tax of fifteen (15) additional days of dog races authorized by §§ 23-111-502 — 23-111-505, and all laws amendatory thereto;

(16) Dog racing taxes derived from two-thirds ($\frac{2}{3}$) of the net proceeds of three (3) additional days of dog races at each meet, as authorized by § 23-111-503(a)(2), and all laws amendatory thereto;

(17) Aviation sales and use taxes, as enacted by Acts 1967, No. 449, and all laws amendatory thereto, § 27-115-110;

(18) Revenue received from saw timber and timber products severance taxes and twenty-five percent (25%) of all other severance taxes, with the exception of the severance tax collected on natural gas, as enacted by Acts 1947, No. 136, and all laws amendatory thereto, §§ 26-58-101 — 26-58-103, 26-58-106 — 26-58-111, 26-58-114 — 26-58-116, 26-58-118 — 26-58-120, 26-58-123, and 26-58-124;

(19) Motor fuel tax forms, including books and decals, as enacted by Acts 1967, No. 376, § 26-55-713;

(20) Motor boat registration fees, as enacted by Acts 1959, No. 453, and all laws amendatory thereto, §§ 27-101-101 — 27-101-109, § 27-101-201 et seq., §§ 27-101-301 — 27-101-306, and 27-101-308 — 27-101-312;

(21) Three percent (3%) municipal taxes, which are further identified as the three percent (3%) collection cost of the one percent (1%) gross receipts tax levied by a city having a population of not more than thirty thousand (30,000) persons that has been designated as a model city, as authorized by Acts 1968 (1st Ex. Sess.), No. 4, and all laws amendatory thereto, §§ 26-75-501 — 26-75-507;

(22) Drivers' search fees, as enacted by Acts 1977, No. 465, and all laws amendatory thereto, §§ 27-50-901 — 27-50-903, and 27-50-905 — 27-50-911, Acts 1989, No. 241, §§ 27-23-118(b)(2) and 27-23-118(c)(2);

(23) [Repealed.]

(24) Private career education school licenses and fees, as enacted by Acts 1989, No. 906, and all laws amendatory thereto, §§ 6-51-601 — 6-51-617;

(25) Elevator safety board fees, as enacted by Acts 1963, No. 189, and all laws amendatory thereto, §§ 20-24-101 — 20-24-117, and 20-24-119;

(26) Net proceeds derived from the sale of pine grown on state highway rights-of-way or other highway-related areas, as enacted by Acts 1983, No. 696, § 22-5-101;

(27) Those insurance premium taxes set aside for firemen's and police officers' pension and relief and related purposes, §§ 24-11-301 and 24-11-809, with the exception of those premium taxes set aside for transfer to the State Police Retirement Fund under § 24-6-209(b);

(28) Bank department charter fees, assessments, and examination fees, as enacted by Acts 1913, No. 113, and all laws amendatory thereto, §§ 16-110-406, 23-30-101 [repealed], 23-31-201 — 23-31-205 [repealed], 23-31-212 — 23-31-215 [repealed], 23-32-102 [repealed], former 23-32-201 — 23-32-204, former 23-32-208, former 23-32-210, 23-32-216 [repealed], 23-32-222 [repealed], 23-32-224 [repealed], 23-32-225 [repealed];

pealed], 23-32-227 [repealed], 23-32-228 [repealed], 23-32-701 [repealed], 23-32-703 — 23-32-705 [repealed], 23-32-710 [repealed], 23-32-713 [repealed], 23-32-716 [repealed], 23-32-803 [repealed], 23-32-905 [repealed], 23-32-1001 [repealed], 23-32-1002 [repealed], 23-32-1006 [repealed], 23-32-1008 [repealed], 23-32-1101 — 23-32-1103 [repealed], 23-32-1106 [repealed], 23-32-1108 — 23-32-1111 [repealed], 23-33-101 — 23-33-103 [repealed], 23-33-105 [repealed], 23-33-106 [repealed], 23-33-201 — 23-33-207 [repealed], 23-33-212 [repealed], 23-33-213 [repealed], 23-33-301 — 23-33-308 [repealed], 23-33-310 [repealed], 23-34-101 [repealed], 23-34-103 [repealed], 23-34-105 [repealed], 23-34-106 [repealed], 23-34-108 [repealed], 23-34-110 [repealed], and 23-34-111 [repealed];

(29) Industrial loan institutions assessments and examination fees, as enacted by Acts 1941, No. 111, §§ 23-36-101 — 23-36-117;

(30) Various asset forfeiture proceeds, §§ 5-64-505(f)(5)(B), 5-64-505(h)(1)(A), and 5-64-505(i);

(31) Fees recovered from ex-offenders on probation or parole from a facility of the Department of Community Correction, as enacted by Acts 1981, No. 70, and all laws amendatory thereto, § 16-93-104;

(32) Liquefied petroleum gas board filing fees, inspection fees, registration fees, permits, and certificates of competency, as enacted by Acts 1965, No. 31, known as the "Liquefied Petroleum Gas Board Act", and all laws amendatory thereto, §§ 15-75-101 — 15-75-108, 15-75-110, 15-75-201 — 15-75-204, 15-75-205 [repealed], 15-75-206 — 15-75-209, 15-75-301 — 15-75-321, and 15-75-401 — 15-75-405;

(33) Brand registration, sales of state brand books, and fees for transfer of brand titles, as enacted by Acts 1959, No. 179, §§ 2-34-201 — 2-34-212;

(34) Arkansas Livestock and Poultry Commission fees and revenues as enacted by Acts 1981, No. 867, and all laws amendatory thereto, § 2-33-113(a), consisting of:

(A) Income from the livestock spraying program, as enacted by Acts 1969, No. 360, and all laws amendatory thereto, §§ 2-33-207 and 2-33-208;

(B) Poultry and egg grading fees as enacted by Acts 1969, No. 220, known as the "Arkansas Egg Marketing Act of 1969", and all laws amendatory thereto, §§ 20-58-201 — 20-58-216;

(C) Acts 1965, No. 49, and all laws amendatory thereto, §§ 2-33-301 — 2-33-305, and 2-33-307;

(D) Acts 1975 (Extended Sess., 1976), No. 1216, and all laws amendatory thereto, §§ 2-33-306 and 2-33-307;

(E) Carcass data information and feeder pig and feeder calf grading fees, as enacted by Acts 1973, No. 454, and all laws amendatory thereto, §§ 2-33-201 — 2-33-206;

(F) Livestock and poultry diagnostic service fees, § 2-33-111;

(G) State, county, and district paid admission surcharges, § 2-33-115(a)(3); and

(H) Small animal testing fees, as enacted by Acts 1981, No. 770, and all laws amendatory thereto, § 2-33-112;

(35) Arkansas Rice Research and Promotion Board assessments, § 2-20-507;

(36) Boiler inspection fees, certificates of competency, permits, examination fees, and licenses, as enacted by Acts 1961, No. 494, and all laws amendatory thereto, §§ 20-23-101 — 20-23-105, 20-23-201 — 20-23-203, 20-23-301 — 20-23-313, and 20-23-401 — 20-23-405;

(37) Motor vehicle registration reinstatement fees, § 27-22-104, and motor vehicle insurance reporting penalties, § 27-22-107;

(38) Special motor-driven cycle and bicycle operators' licenses and certificates, as enacted by §§ 27-20-101 — 27-20-116;

(39) Polygraph examiner's examination and license fees, as enacted by Acts 1967, No. 413, known as the "Polygraph Examiners Act", §§ 17-39-101 — 17-39-109 and 17-39-201 — 17-39-214;

(40) Private investigator's application fees, agency fees, and license fees and security guard fines and fees, as enacted by Acts 1977, No. 429, known as the "Private Investigators and Private Security Agencies Act", and all laws amendatory thereto, §§ 17-40-101 — 17-40-104, 17-40-201 — 17-40-209, 17-40-301 — 17-40-317, 17-40-325 — 17-40-329, 17-40-335 — 17-40-340, 17-40-341 [repealed], 17-40-342 — 17-40-344, and 17-40-350 — 17-40-352;

(41) Cosmetology board examination, registration, license, duplicate license, reinstatements, reciprocity, renewal and delinquent licenses and fees, as enacted by Acts 1955, No. 358, known as the "Cosmetology Act", and all laws amendatory thereto, §§ 17-26-101 — 17-26-105, 17-26-201 — 17-26-210, 17-26-301 [repealed], 17-26-302 — 17-26-304, 17-26-305 [repealed], 17-26-306, 17-26-307, 17-26-308 [repealed], 17-26-309 — 17-26-312, 17-26-313 [repealed], 17-26-314 — 17-26-319, 17-26-320 [repealed], 17-26-321, and 17-26-401 — 17-26-415, 17-26-416 [repealed], 17-26-417, and 17-26-418;

(42) That portion not declared to be "pledged revenues" for debt service on any certificates of indebtedness issued under Acts 1983, No. 458, §§ 22-3-1201 — 22-3-1214, 22-3-1215 [repealed], 22-3-1216 — 22-3-1219 and that portion not declared cash funds paid to the Arkansas Development Finance Authority for deposit into the Correction Facilities Privatization Account of the Correction Facilities Construction Fund, § 22-3-1210(c)(1)(A), of the Department of Correction's income from its farm operations, including sale of farm products and livestock, rental of farm properties, and payments from agencies of the state or federal government in connection with the farm operations, as enacted by Acts 1968 (1st Ex. Sess.), No. 50, and all laws amendatory thereto, §§ 12-27-101 — 12-27-105, 12-27-107 — 12-27-109, 12-27-112, 12-27-113, 12-27-115, 12-27-118, 12-27-120, 12-28-102, 12-29-101, former 12-29-102, 12-29-103, 12-29-104, 12-29-107, 12-29-112, 12-29-401, 12-30-301, 12-30-306, 12-30-401, 12-30-403, 12-30-405 — 12-30-407, 12-30-408 [repealed], 16-93-101, 16-93-102, former 16-93-201, 16-93-202 — 16-93-204, 16-93-601, 16-93-610, 16-93-701, 16-93-705, and 25-8-106;

(43) That portion not declared to be "pledged revenues" for debt service on any certificates of indebtedness issued under Acts 1983, No.

458, §§ 22-3-1201 — 22-3-1214, 22-3-1215 [repealed], 22-3-1216 — 22-3-1219, of the Department of Correction's sales, or dispositions of articles and products manufactured or produced by prison labor, as enacted by Acts 1967, No. 473, known as the "Prison-Made Goods Act of 1967", §§ 12-30-201 — 12-30-207, 12-30-208 [repealed], 12-30-209 — 12-30-214;

(44) [Repealed.]

(45) Interest on investments held in the University of Arkansas Endowment Fund, as enacted by Acts 1945, No. 249 [repealed], and all laws amendatory thereto;

(46) Pest control service work examination fees, operators' licenses, and agents' and solicitors' registration fees, as enacted by Acts 1975, No. 488, known as the "Arkansas Pest Control Law", and all laws amendatory thereto, §§ 17-37-101 — 17-37-107, 17-37-201, and 17-37-203 — 17-37-221;

(47) Liming material registration fees, and vendor's licenses and inspection fees, as enacted by Acts 1969, No. 353, known as the "Arkansas Agricultural Liming Materials Act", §§ 2-19-301 — 2-19-308;

(48) Fertilizer registration fees for manufacturers, jobbers, and manipulators of commercial fertilizers and fertilizer inspection fees, as enacted by Acts 1951, No. 106, and all laws amendatory thereto, §§ 2-19-201 — 2-19-210;

(49) Nursery dealers, agents, and salesmen's license fees, as enacted by Acts 1919, No. 683, known as the "Arkansas Nursery Fraud Act of 1919", and all laws amendatory thereto, §§ 2-21-101 — 2-21-113;

(50) Arkansas Feed Law of 1997 inspection fees, and registration and license fees, § 2-37-101 et seq.;

(51) Pesticide registration fees, as enacted by Acts 1975, No. 410, known as the "Arkansas Pesticide Control Act", and all laws amendatory thereto, §§ 2-16-401 — 2-16-419;

(52) Pesticide commercial, noncommercial, private and pilot applicators' license fees, pesticide dealers' license fees, and inspection and permit fees, as enacted by Acts 1975, No. 389, known as the "Arkansas Pesticide Use and Application Act", and all laws amendatory thereto, §§ 20-20-201 — 20-20-225;

(53) Fees for seed inspection and certificate of inspection tags, as enacted by Acts 1931, No. 73, and all laws amendatory thereto, §§ 2-16-206 and 2-18-101 — 2-18-108;

(54) Agricultural products inspection fees and inspectors' licenses, as enacted by Acts 1925, No. 218, known as the "Agricultural Products Grading Act of 1925", §§ 2-20-101 — 2-20-117;

(55) Inspection, treatment, and certification fees for insect pests and diseases, plants, planting seeds, noxious weeds, or other substance, as enacted by Acts 1917, No. 414, known as the "Arkansas Plant Act of 1917", §§ 2-16-201 — 2-16-214, and Acts 1921, No. 519, known as the "Arkansas Emergency Plant Act of 1921", §§ 2-16-301 — 2-16-310;

(56) Annual license fees, application investigation fees, and fines from precious stones and precious metals buyers, as enacted by Acts

1981, No. 87, and all laws amendatory thereto, §§ 17-23-101 — 17-23-104, and 17-23-201 — 17-23-208;

(57) [Repealed.]

(58) Individual sewage disposal systems fees, as enacted by Acts 1977, No. 402, known as the "Arkansas Sewage Disposal Systems Act", and all laws amendatory thereto, §§ 14-236-101 — 14-236-117;

(59) Hazardous waste transporter, generator, and management facility fees, as enacted by Acts 1980 (1st Ex. Sess.), No. 5 [superseded], and all laws amendatory thereto, and § 8-7-226;

(60) Nuclear planning and response fees collected from each utility in the state which operates one (1) or more nuclear generating facilities, as enacted by Acts 1980 (1st Ex. Sess.), No. 67, and all laws amendatory thereto, §§ 20-21-401 — 20-21-405;

(61) Brine taxes imposed upon all brine produced in the state for the purpose of bromine extraction, as enacted by Acts 1979, No. 759, and all laws amendatory thereto, § 26-58-301;

(62) Oil and Gas Commission fees, including oil and gas assessments, drilling permits, permits for plugging wells, and permits for each salt water well, all as enacted by Acts 1939, No. 105, and all laws amendatory thereto, §§ 15-71-101 — 15-71-112, 15-72-101 — 15-72-110, 15-72-205, 15-72-212, 15-72-216, 15-72-301 — 15-72-324, and 15-72-401 — 15-72-407, and the portion of taxes levied on salt water used in bromine production, as enacted by Acts 1947, No. 136, and all laws amendatory thereto, § 26-58-111(9);

(63) Arkansas State Game and Fish Commission licenses, fees, tags, permits, and fines, all as authorized by Arkansas Constitution, Amendment 35, annual resident hunting and fishing licenses, §§ 15-42-104 and 15-42-110; all interest earned on Arkansas State Game and Fish Commission funds, § 15-41-110; all fees, compensation, or royalties for mineral leases or permits for lands held in the name of the Arkansas State Game and Fish Commission, § 22-5-809(c)(3); all assessed fines as set out in § 15-41-209; and forty-five percent (45%) of the additional one-eighth of one percent ($\frac{1}{8}$ of 1%) sales and use tax authorized by Arkansas Constitution, Amendment 75;

(64) Plumbers' licenses, examination fees, permits, and registration fees, as enacted by Acts 1951, No. 200, and all laws amendatory thereto, §§ 17-38-101 — 17-38-103, 17-38-201 — 17-38-205, and 17-38-301 — 17-38-310;

(65) Fees for medical identification tags and bracelets, as enacted by Acts 1965, No. 433, § 20-7-119;

(66) [Repealed.]

(67) Seventy-five percent (75%) of child passenger protection act fines, as enacted by Acts 1983, No. 749, known as the "Child Passenger Protection Act", §§ 27-34-101 — 27-34-107;

(68) Dairy products licenses, permits, and fees, as enacted by Acts 1941, No. 114, and all laws amendatory thereto, §§ 20-59-201 — 20-59-247;

(69) Department of Health vital statistics fees and other specified fees, as set out in § 20-7-123;

(70) Arkansas Public Service Commission annual assessment fees, as enacted by Acts 1945, No. 40, §§ 23-2-101, 23-2-103 — 23-2-105, 23-2-108, 23-2-109, 23-2-403, 23-2-406, 23-2-407, 23-2-409, 23-2-413, 23-2-418, 23-3-109, and 23-3-110, and Acts 1935, No. 324, §§ 14-200-101, 14-200-103 — 14-200-108, 14-200-111, 23-1-101 — 23-1-112, 23-2-301, 23-2-303 — 23-2-308, 23-2-310, 23-2-312, 23-2-314 — 23-2-316, 23-2-402, 23-2-404 [repealed], 23-2-405, 23-2-408, 23-2-410 — 23-2-412, 23-2-414 — 23-2-421, 23-2-426, 23-2-428, 23-2-429, 23-3-101 — 23-3-107, 23-3-112 — 23-3-115, 23-3-118, 23-3-119, 23-3-201 — 23-3-206, 23-4-102, 23-4-103, 23-4-105 — 23-4-109, 23-4-205, 23-4-402 — 23-4-405, 23-4-407 — 23-4-418, 23-4-620 — 23-4-634, and 23-18-101, and all laws amendatory thereto;

(71) Arkansas Public Service Commission miscellaneous fees, as enacted by Acts 1935, No. 324, §§ 14-200-101, 14-200-103 — 14-200-108, 14-200-111, 23-1-101 — 23-1-112, 23-2-301, 23-2-303 — 23-2-308, 23-2-310, 23-2-312, 23-2-314 — 23-2-316, 23-2-402, 23-2-404 [repealed], 23-2-405, 23-2-408, 23-2-410 — 23-2-412, 23-2-414 — 23-2-421, 23-2-426, 23-2-428, 23-2-429, 23-3-101 — 23-3-107, 23-3-112 — 23-3-115, 23-3-118, 23-3-119, 23-3-201 — 23-3-206, 23-4-102, 23-4-103, 23-4-105 — 23-4-109, 23-4-205, 23-4-402 — 23-4-405, 23-4-407 — 23-4-418, 23-4-620 — 23-4-634, and 23-18-101, and Acts 1949, No. 262, §§ 23-3-109 and 23-16-101 — 23-16-106, and all laws amendatory thereto;

(72) Board of electrical examiners examination, license, and penalty fees, as enacted by Acts 1979, No. 870, § 17-28-101 et seq., § 17-28-201 et seq., and § 17-28-301 et seq., and Acts 1981, No. 132, and all laws amendatory thereto;

(73) Milk inspection fees, as enacted by Acts 1981, No. 587, and all laws amendatory thereto, §§ 20-59-401 — 20-59-407;

(74) Proceeds from sales of tax-forfeited lands, as enacted by Acts 1929, No. 129, and all laws amendatory thereto, § 26-37-210;

(75) Redemption of tax-forfeited lands and quitclaim deed fees, as enacted by Acts 1891, No. 151, and all laws amendatory thereto, § 26-37-310 et seq.;

(76)(A) Commissioner of State Lands fees, including patent fees, as enacted by Acts 1883, No. 117, § 21-6-203;

(B) Deed fees, as enacted by Acts 1931, No. 245, § 22-5-408;

(C) Donation deed fees, as enacted by Acts 1883, No. 117, § 21-6-203;

(D) Field notes and plats fees, as enacted by Acts 1881, No. 12, §§ 22-5-701 and 22-5-702;

(E) Certificate of donation to forfeited land fees, as enacted by Acts 1883, No. 117, § 21-6-203; and

(F) Those fees as specified in Acts 1983, No. 886, § 21-6-203;

(77) Proceeds from sales of islands, as enacted by Acts 1971, No. 148, §§ 22-6-201 and 22-6-203;

(78) Insurance filing fees, renewal fees, amendment fees, reinstatement fees, agents' licenses, brokers' licenses, solicitors' licenses, examination fees, adjusters' licenses, copies of documents and certificates of

the commissioner, all as enacted by Acts 1959, No. 148, known as the "Arkansas Insurance Code", and all laws amendatory thereto, §§ 23-60-101 — 23-60-108, 23-60-110, 23-61-101 — 23-61-112, 23-61-201 — 23-61-206, 23-61-301 — 23-61-307, 23-61-401, 23-61-402, 23-62-101 — 23-62-108, 23-62-201, 23-62-202, former 23-62-203, 23-62-204, 23-62-205, 23-63-101 [repealed], 23-63-102 — 23-63-104, 23-63-201 — 23-63-216, 23-63-301, 23-63-302, 23-63-401 — 23-63-404 [repealed], 23-63-601 — 23-63-604, 23-63-605 — 23-63-609 [repealed], 23-63-610 — 23-63-613, 23-63-701, 23-63-801 — 23-63-833, 23-63-835, 23-63-836 [as added by Acts 1983, No. 522], 23-63-837 [as added by Acts 1983, No. 522], 23-63-838 [repealed], 23-63-901 — 23-63-912, 23-63-1001 — 23-63-1004, 23-64-101 — 23-64-103, 23-64-201 — 23-64-205, 23-64-206 [repealed], 23-64-207, 23-64-208 [repealed], 23-64-209, 23-64-210, 23-64-211 — 23-64-213 [repealed], 23-64-214 — 23-64-221, 23-64-222 [repealed], 23-64-223 — 23-64-227, 23-65-101 — 23-65-104, 23-65-201 — 23-65-205, 23-65-301 — 23-65-319, 23-66-201 — 23-66-214, 23-66-301 — 23-66-306, 23-66-308 — 23-66-311, 23-66-313, 23-66-314, 23-68-101 — 23-68-113, 23-68-115 — 23-68-132, 23-69-101 — 23-69-103, 23-69-105 — 23-69-141, 23-69-143, 23-69-149 — 23-69-156, 23-70-101 — 23-70-124, 23-71-101 — 23-71-116, 23-72-101 — 23-72-122, 23-73-101 — 23-73-107, 23-73-108 [repealed], 23-73-109 [repealed], 23-73-110 — 23-73-116, former 23-74-101 — 23-74-105, 23-74-106 — 23-74-141 [repealed], 23-75-101 — 23-75-116, 23-75-117 [repealed], 23-75-118 — 23-75-120, 23-79-101 — 23-79-106, 23-79-109 — 23-79-128, 23-79-131 — 23-79-134, 23-79-202 — 23-79-210, 23-81-101 — 23-81-117, 23-81-120 — 23-81-136, 23-81-201 — 23-81-213, 23-82-101 — 23-82-118, 23-84-101 — 23-84-111, 23-85-101 — 23-85-131, 23-86-101 — 23-86-104, 23-86-106 — 23-86-109, 23-86-112, 23-87-101 — 23-87-119, 23-88-101, 23-89-101, 23-89-102, 26-57-601 — 26-57-605, 26-57-607, 26-57-608, and 26-57-610;

(79) Trademark and service-mark registration and assignment fees, as enacted by Acts 1967, No. 81, §§ 4-71-101 — 4-71-114 [repealed];

(80) Milk laboratory antibiotic drug testing program fees and fines, § 20-59-701 et seq.;

(81) Commercial vehicle temporary registration tag fees, as enacted by Acts 1975, (Extended Sess., 1976), No. 1179, and all laws amendatory thereto, § 27-14-1306;

(82) Incorporation fees of railroads, street interurban, or other transportation companies, express companies, sleeping car companies, and private car companies, as enacted by Acts 1911, No. 87, § 23-11-102;

(83) Filing and recording fees for a charter of educational institutions and for filing and recording a certificate for a change of name or provisions of a charter, as enacted by Acts 1911, No. 375, §§ 6-2-101 — 6-2-105, 6-2-106 [repealed], 6-2-107 — 6-2-109, 6-2-111, and 6-2-112;

(84) Fees for filing articles of incorporation and issuing a certificate of incorporation of nonprofit corporations, filing an application of a foreign corporation for a certificate of authority to conduct affairs in this

state and issuing a certificate of authority, and for other administrative functions, as enacted by Acts 1963, No. 176, known as the "Arkansas Nonprofit Corporation Act", §§ 4-28-201 — 4-28-206 and 4-28-209 — 4-28-223;

(85) Articles of incorporation filing fees, articles of amendment filing fees, fees for certified copies, other miscellaneous filing fees and certificates, and for receiving service of process on behalf of a corporation, both foreign and domestic, and all other fees, as enacted by Acts 1965, No. 576, known as the "Arkansas Business Corporation Act", § 4-26-101 et seq.;

(86) Fees collected as authorized under Acts 1961, No. 185, as amended, known as the "Uniform Commercial Code", § 4-1-101 et seq.;

(87) Fees collected for filing articles of incorporation for cooperative marketing associations, as enacted by Acts 1921, No. 116, as amended, known as the "Cooperative Marketing Act", §§ 2-2-401 — 2-2-411, 2-2-413 — 2-2-429;

(88) Fees collected from rural telephone cooperatives, as enacted by Acts 1951, No. 51, as amended, known as the "Rural Telecommunications Cooperative Act", §§ 23-17-201, 23-17-202, 23-17-203 [repealed], 23-17-204 — 23-17-226, 23-17-227 [repealed], 23-17-228 — 23-17-233, 23-17-234 [repealed], 23-17-235 — 23-17-237;

(89) Annual license fees collected from rural electrification corporations, as enacted by Acts 1937, No. 342, as amended, known as the "Electric Cooperative Corporation Act", §§ 23-18-301 — 23-18-322 and 23-18-329 — 23-18-331;

(90) Annual license fees collected from agricultural cooperative associations, as enacted by Acts 1939, No. 153, as amended, §§ 2-2-101 — 2-2-124;

(91) That portion of driver's license special fees for duplicate and identification licenses, as enacted by Acts 1977, No. 311, and all laws amendatory thereto, §§ 27-16-801, 27-16-805, and 27-16-806(a) and (b);

(92) Fees collected from mutual corporations, excepting insurance companies, having no capital stock for the filing of articles of incorporation, as enacted by Acts 1911, No. 87, § 4-26-1204;

(93) Abstracter's examining licenses and fees, as enacted by Acts 1969, No. 109, as amended, known as the "Abstracters' Licensing Law of 1969", §§ 17-11-101 — 17-11-103, 17-11-301 — 17-11-306, 17-11-320 — 17-11-324, and 17-11-340 — 17-11-343;

(94) Driver education fees, as enacted by Acts 1965, No. 531, §§ 27-18-101, 27-18-102, and 27-18-104 — 27-18-106;

(95) Fees charged by the Veterinary Medical Examining Board for the various examinations, permits, licenses, and certificates issued by the board, as enacted by Acts 1975, No. 650, as amended, §§ 17-101-101 — 17-101-103, 17-101-201 — 17-101-203, and 17-101-301 — 17-101-311;

(96) Receipts from timber severed from state-owned lands and rentals from trespassers on state lands, as enacted by Acts 1931, No. 125, §§ 22-5-602 and 22-5-603;

(97) Annual license fees received from septic tank cleaning businesses, as enacted by Acts 1973, No. 71, §§ 17-45-101 — 17-45-105;

(98) Environmental compatibility and public need certificate initial filing fee, as enacted by Acts 1973, No. 164, and all laws amendatory thereto, §§ 23-18-501 — 23-18-529;

(99) Arkansas Motor Vehicle Commission license fees, as enacted by Acts 1975, No. 388, known as the "Arkansas Motor Vehicle Commission Act", §§ 23-112-101 — 23-112-103, 23-112-105, 23-112-201 — 23-112-205, 23-112-301 — 23-112-311, 23-112-401 [repealed], 23-112-402 — 23-112-404, 23-112-405 [repealed], 23-112-206, and 23-112-501 — 23-112-509;

(100) Arkansas Public Service Commission inspection fees as authorized by Acts 1971, No. 285, § 8, as amended, §§ 23-15-211, 23-15-214, and 23-15-216, for operating the Pipeline Safety Division;

(101) The additional severance tax levied on oil produced in this state, as enacted by Acts 1977, No. 310, § 4, and all laws amendatory thereto, § 26-58-301;

(102) Arkansas Manufactured Home Commission registration fees and salesperson's licenses, as enacted by Acts 1977, No. 419, known as the "Arkansas Manufactured Homes Standards Act", and all laws amendatory thereto, §§ 20-25-101 — 20-25-112;

(103) [Repealed.]

(104) All Arkansas Department of Environmental Quality fees, unless otherwise provided by law, § 8-1-105, landfill operator license fees, § 8-6-909, and that portion of new tire waste tire fees, § 8-9-404;

(105) Interstate fuel user marking fees, fines, and penalties, as enacted by Acts 1979, No. 434, §§ 26-55-708 and 26-55-709, and all laws amendatory thereto;

(106) Motor vehicle title application fees, fines, and penalties, as enacted by Acts 1949, No. 142, § 33, as amended by Acts 1979, No. 439, and Acts 1981, No. 40, and all laws amendatory thereto, § 27-14-705;

(107) Transfers from the Securities Reserve Fund of interest earned on the average daily balance of the State Highway and Transportation Department Fund, including all internal accounts and funds thereof, as enacted by Acts 1979, No. 438, § 27-70-204, and all laws amendatory thereto;

(108) Arkansas Board of Dispensing Opticians examination, license, and registration fees, as enacted by Acts 1981, No. 589, known as the "Ophthalmic Dispensing Act", and all laws amendatory thereto, §§ 17-89-101 — 17-89-106, 17-89-201 — 17-89-204, 17-89-301 — 17-89-307, 17-89-309, 17-89-310, and 17-89-401 — 17-89-404;

(109) Arkansas State Board of Nursing examination and license fees, as enacted by Acts 1971, No. 432, and all laws amendatory thereto, §§ 17-87-101 — 17-87-105, 17-87-201 — 17-87-204, 17-87-301 — 17-87-309, and 17-87-401;

(110) Social work examination and license fees, as enacted by Acts 1999, No. 1122, known as the "Social Work Licensing Act", § 17-103-101 et seq., and all laws amendatory thereto;

(111) Brine production assessments as enacted by Acts 1979, No. 937, § 3(d), as amended, § 15-76-306(d);

(112) Amusement attraction permits, as enacted by Acts 1983, No. 837, known as the "Amusement Ride and Amusement Attraction Safety Insurance Act", §§ 23-89-501 — 23-89-508;

(113) Arkansas Beef Council cattle assessments, § 2-35-401 et seq.;

(114) [Repealed.]

(115) Hazardous and toxic materials facility fees, § 12-84-106;

(116) The additional severance tax levied on coal, as enacted by Acts 1983, No. 560, § 26-58-112;

(117) The additional severance tax levied on stone and crushed stone, as enacted by Acts 1983, No. 761, § 26-58-113, and those portions of real estate transfer taxes, as enacted by Acts 1971, No. 275, and all laws amendatory thereto, §§ 26-60-105 and 26-60-112;

(118) Five percent (5%) of the gross proceeds collected through set-off procedures from debtors who owe money to the State of Arkansas, as enacted by Acts 1983, No. 372, §§ 26-36-301 — 26-36-320;

(119) The first designated portion of real estate transfer taxes for the continuing education of county and circuit clerks, as enacted by Acts 1971, No. 275, and all laws amendatory thereto, §§ 26-60-105 and 26-60-112;

(120) That portion of driver's license reinstatement fees for the Office of Driver Services of the Revenue Division of the Department of Finance and Administration, § 5-65-119(a)(2);

(121) [Repealed.]

(122) Agricultural consultant license fees, § 17-13-101 et seq.;

(123) Arkansas Public Art Program funds set aside within methods of finance for each new state building or major capital improvement on a state building, §§ 13-8-207 and 13-8-208;

(124) **[Effective until October 1, 2011.]** Three percent (3%) of local sales and use taxes, which are further identified as the three percent (3%) collection cost of the local sales and use taxes, imposed by cities, as enacted by Acts 1981 (1st Ex. Sess.), No. 25, § 26-75-217, and all laws amendatory thereto, and imposed by counties, as enacted by Acts 1981, (1st Ex. Sess.), No. 26, § 26-74-214, and all laws amendatory thereto;

(124) **[Effective October 1, 2011.]** Three percent (3%) of local sales and use taxes, which are further identified as the three percent (3%) collection cost of the local sales and use taxes, imposed by a city under § 26-75-217, a county under § 26-74-214, and a city or county under § 26-82-111;

(125) [Repealed.]

(126) Those portions of vaccination fees imposed at livestock markets, as enacted by Acts 1985, No. 150, and Acts 1985, No. 151, § 2-40-206, and that portion of all fines and penalties resulting from arrests made or citations issued by Arkansas Livestock and Poultry Commission enforcement officers, § 2-33-113(b);

(127) Arkansas Wheat Promotion Board assessments, as enacted by Acts 1985, No. 283, §§ 2-20-601 — 2-20-609;

- (128) Driving test examination fees, § 27-16-801(a)(1)(C);
- (129) Local exchange carriers access line surcharges and commercial mobile radio service provider telephone number surcharges, § 23-17-119;
- (130) Asbestos removal license fees, §§ 20-27-1001 — 20-27-1007;
- (131) Mammography accreditation fees, § 20-15-1005;
- (132) Abortion clinic license fees, § 20-9-302;
- (133) Child care facility license fees, § 20-78-223;
- (134) [Repealed.]
- (135) Dog racing taxes derived from the net proceeds of two (2) of the additional six (6) days of dog races, as authorized by § 23-111-504;
- (136) Emergency medical services fees, § 20-13-211;
- (137) Food service establishment and food salvager permits and fees, §§ 20-57-102 and 20-57-201 — 20-57-204;
- (138) Nursing home administrator license application and renewal fees, §§ 20-10-404 and 20-10-405;
- (139) [Repealed.]
- (140) Health maintenance organizations licenses and fees, § 23-76-127;
- (141) Ionizing radiation license and registration fees, § 20-21-217;
- (142) Public Water System Service Act fees, fines, and penalties, § 20-28-101 et seq.;
- (143) Swimming pools regulation fees and fines, §§ 20-30-102 and 20-30-106;
- (144) Department of Health public health laboratory fees, § 20-7-114;
- (145) Additional real estate transfer tax, § 26-60-105(b);
- (146) Two percent (2%) of gross receipts derived from the sale or rental on certain items related to tourism, § 26-63-402;
- (147) Breath testing instrument maintenance fees, § 20-7-128;
- (148) That portion of commercial driver license application fees, § 27-23-118(a)(1); driver search fees, §§ 27-23-118(b)(1) and 27-23-118(c)(1); and all fines, forfeitures, and penalties collected under the Arkansas Uniform Commercial Driver License Act, § 27-23-118(d);
- (149) That portion of commercial driver license application fees, § 27-23-118(a)(2);
- (150) Commercial driver license examination fees, § 27-23-110(d), and that portion of commercial driver license application fees, § 27-23-118(a)(3);
- (151) Arkansas Catfish Promotion Board assessments, § 2-9-107;
- (152) Turnpike project tolls, §§ 27-90-203 and 27-90-204;
- (153) Regulated substance storage tank license fees and that portion of annual registration fees, § 8-7-802(b); civil penalties collected under § 8-7-806; and that portion of costs collected under § 8-7-807;
- (154) Landfill disposal and transportation fees, § 8-6-606;
- (155) That portion of driver's license reinstatement fees for the Office of Alcohol Testing of the Department of Health, §§ 5-65-119(a)(1), 5-65-304(c), and 5-65-310(f);

- (156) Medicaid Fraud False Claims Act penalties, § 20-77-903(c);
- (157) Child care facility fines and penalties, § 20-78-219;
- (158) Fees for certifying blasters, § 20-27-1102;
- (159) Pseudorabies Control and Eradication Program fees, § 2-40-1201;
- (160) HVACR Licensing Board fees, § 17-33-204;
- (161) [Repealed.]
- (162) That portion of landfill disposal fees collected when a private industry bears the expense of operating and maintaining the landfill solely for the disposal of wastes generated by the industry, § 8-6-607(4);
- (163) Those additional corporate income taxes as specified in § 26-51-205(c)(2);
- (164) Those additional insurance premium taxes as specified in § 26-57-614 and the amount of insurance premium taxes transferred due to the provisions of §§ 24-11-301 and 24-11-809;
- (165) Imported waste tire fees and that portion of new tire waste tire fees, § 8-9-404;
- (166) Commercial medical waste fees and fines, § 20-32-104;
- (167) Additional landfill disposal and transportation fees, § 8-6-1003 et seq.;
- (168) That portion of annual registration fees for above-ground storage tanks, § 8-7-802(b);
- (169) Fees received by the State Plant Board for licensing and regulation of public grain warehouses;
- (170) Elder or disabled persons enhanced civil penalties, § 4-88-202;
- (171) That portion of estate taxes collected in a calendar year that exceeds ten percent (10%) of the average annual estate taxes collected for a five-year period immediately preceding the calendar year or fifteen million dollars (\$15,000,000), whichever is greater, § 26-59-122(a);
- (172)(A) The additional fees assessed or imposed upon insurers, insurance agents, brokers, professional bail bond companies, and other licensees or registrants, § 23-61-711;
- (B) The additional professional bail bond company fees, § 17-19-111;
- (C) Health maintenance organization fees, § 23-76-127(c);
- (D) Professional employer organization biennial license fees, § 23-92-407; and
- (E) Employer service assurance organization affidavit fees, § 23-92-414;
- (173) That portion of securities agents initial or renewal registration filing fees, § 23-42-304(a)(2) and 23-42-304(a)(4);
- (174) That portion of securities registration statement filing fees, § 23-42-404(b)(1);
- (175) Background investigation fees, § 12-8-120;
- (176) Criminal history information record search fees for noncriminal justice purposes, § 12-12-1012;
- (177) Alcohol and drug abuse treatment program application fees and accreditation costs, § 20-64-906;

- (178) Marine Sanitation Program fees, § 27-101-408;
- (179) [Repealed.]
- (180) Arkansas Conservation Corps fee-for-service project fees, § 11-13-105(c);
- (181) Arkansas Economic Development Incentive Act of 1993 transfers from general revenues for financial incentive plans, § 15-4-1607;
- (182) Alternative fuels taxes, fees, penalties, and interest, as enacted in § 26-62-101 et seq., known as the "Alternative Fuels Tax Law", and all laws amendatory thereto;
- (183) Dog racing taxes derived from seventy-five percent (75%) of the net proceeds of six (6) additional days of dog races during each twelve-month period, § 23-111-515;
- (184) Transporters of commercial medical waste vehicle inspection fees, § 20-32-105;
- (185) Motor vehicle accident report and records of traffic violations photostatic or written copies fees, § 27-53-210;
- (186) Motor vehicle liability insurance fines, § 27-22-103;
- (187) Rail and other carriers fees, § 23-16-105;
- (188) Life care provider application filing fees, § 23-93-206;
- (189) Additional marriage license fees, § 9-30-109;
- (190) Used motor vehicle dealer license fees, § 23-112-608, and that portion of used motor vehicle dealer fines, § 23-112-603(c)(1);
- (191) State Insurance Department Criminal Investigation Division antifraud assessments and penalties, §§ 23-100-104 and 23-100-105;
- (192) Seventy-one percent (71%) of the additional cigarette and tobacco products tax, § 26-57-1101 et seq., as determined by § 26-57-1106;
- (193) One-eighth of one cent ($\frac{1}{8}\%$) gross receipts and compensating taxes, Arkansas Constitution, Amendment 75;
- (194) Waterworks operators fees, § 17-51-106;
- (195) Equine Infectious Anemia Control and Eradication Program fees, § 2-40-826;
- (196) Arkansas Corn and Grain Sorghum Promotion Board assessments, § 2-20-805;
- (197) DNA Detection of Sexual and Violent Offenders Act fines, § 12-12-1118;
- (198) Sex and Child Offender Registration Act of 1997 fines, § 12-12-910;
- (199) [Repealed.]
- (200) Thirty percent (30%) of parking fines and fees, § 27-15-305(c);
- (201) Twenty-nine percent (29%) of the additional cigarette and tobacco products tax, § 26-57-1103;
- (202) Additional driver's license fees, § 27-16-801;
- (203) Littering fines, § 8-6-404(d)(2)(B);
- (204) Fees from investigations and inspections of various boards' licensees, § 17-80-106;
- (205) Body piercing, branding, and tattooing license fees and penalties, § 20-27-1503;

(206) [Repealed.]

(207) [Repealed.]

(208) [Repealed.]

(209) [Repealed.]

(210) Various Department of Health vital statistic fees, § 19-6-485(b);

(211) That portion of fines collected in the Investor Education Fund in excess of one hundred fifty thousand dollars (\$150,000) in any one (1) fiscal year, § 23-42-213(c)(2);

(212) Revenue-generating technology system contract taxes and fees, § 19-11-1101(d);

(213) The first one hundred fifty thousand dollars (\$150,000) of fines collected under §§ 23-42-209, 23-42-308, and 23-42-213(b);

(214) The transfer of up to thirty-one and six-tenths percent (31.6%) of amounts received in the Tobacco Settlement Program Fund, Acts 2002 (1st Ex. Sess.), No. 2, § 19-6-486;

(215) Arkansas Biological Agent Registry Act civil penalties, §§ 20-36-104 and 19-6-487;

(216) Drug court program user fees, §§ 16-98-304 and 19-6-489;

(217) Additional marriage license fees, § 16-20-407(b)(2);

(218) That portion of an operator's driving while intoxicated driver's license reinstatement fees, § 5-65-119(a)(4);

(219) That portion of suspended, revoked, or cancelled driver's license reinstatement fees, §§ 27-16-808(b)(2) and 27-16-508(c);

(220) That portion of driver's license special fees for duplicate and identification licenses, as enacted by Acts 1977, No. 311, and all laws amendatory thereto, §§ 27-16-801, 27-16-805, and 27-16-806(c);

(221) Civil penalties and fines collected under the Arkansas Catfish Marketing Act of 1975, § 20-61-201 et seq., and § 20-61-101;

(222) That portion of penalties collected for failure to pay fees for registration and licensing of motor vehicles, § 27-14-601(e);

(223) Design-use contribution fees, § 27-15-4904;

(224) Mixed drink supplemental taxes on sales of alcoholic beverages, §§ 3-9-213(c)(2)(A) and 3-9-223(c)(2)(A);

(225) Arkansas Bureau of Standards lab tests or inspection fees, § 4-18-329(c);

(226) Auto auction fees for salvage-titled or parts-only titled vehicles, § 23-112-614;

(227) Vehicle identification number verification fees, § 27-14-725(d);

(228) Spyware monitoring fines and penalties, § 4-111-104;

(229) That portion of uniform filing fees collected in circuit court under §§ 21-6-403(b)(1) and 16-10-314;

(230) Forfeited bonds; fee assessments; reimbursements for well-site plugging, repair, and restoration costs from well operators; and proceeds from the sale of hydrocarbons and production equipment located at the site of abandoned and orphaned wells, §§ 15-71-110(e) and 15-71-116;

(231) County quorum court special license plate application fees, § 27-24-303(b)(2);

(232) Fees for diagnostic laboratory services of the Division of Agriculture of the University of Arkansas, § 6-64-1013;

(233) That portion of uniform filing fees collected in circuit court under §§ 21-6-403(b)(1) and 16-10-313;

(234) Commercial Motor Vehicle Driving Offenses fines and penalties, § 27-23-114(h)(2);

(235) Criminal History for Volunteers Act fees, § 12-12-1609;

(236) Adult and Long-Term Care Facility Resident Maltreatment Act civil penalties, § 12-12-1706;

(237) Phase I Environmental Site Assessment Consultant Act fees, §§ 8-7-1301 — 8-7-1304, 8-7-1305 — 8-7-1310 [repealed], 8-7-1311;

(238) Ninety-five percent (95%) of the severance tax collected on natural gas at the rates enacted by § 26-58-111(5);

(239) Unified Carrier Registration Act of 2005, Pub. L. No. 109-59, § 4301 et seq., registration fees, § 23-13-604;

(240) Landfill disposal fees to support a computer and electronic recycling program, §§ 8-6-612 and 8-6-614;

(241) Commercial Driver Alcohol and Drug Testing Database penalties, § 27-23-209;

(242) School-Age Children Eye and Vision Care Fund donations, grants of money, gifts and appropriations from private sources, from municipal and county governments, from the state, and from the federal government, as created in uncodified Section 1 of Acts 2007, No. 138;

(243) Arkansas retirement community eligibility application fees, § 15-14-104;

(244) Annual fleet management fees, § 27-14-610(e)(2); and

(245) Securities agents branch office registration filing fees, § 23-42-304(a)(5).

History. Acts 1973, No. 808, § 8; 1975, No. 863, § 5; 1979, No. 1027, §§ 2, 10; 1983, No. 222, §§ 3, 4; 1983, No. 801, § 1; 1985, No. 65, §§ 3, 4; 1985, No. 613, § 1; 1985, No. 888, § 13; A.S.A. 1947, § 13-503.7; Acts 1987, No. 792, §§ 2, 3; 1989, No. 551, §§ 2, 3; 1989, No. 821, § 6; 1991, No. 76, §§ 1, 2; 1991, No. 765, § 5; 1993, No. 324, § 2; 1993, No. 1072, §§ 3, 4; 1993, No. 1073, § 29; 1995, No. 270, §§ 2, 3; 1995, No. 369, § 2; 1997, No. 156, § 2; 1997, No. 298, §§ 2, 13; 1997, No. 974, § 18; 1997, No. 1071, § 2; 1999, No. 15, § 4; 1999, No. 282, §§ 3, 4, 14; 1999, No. 1122, § 3; 1999, No. 1164, § 168; 2001, No. 229, §§ 5-7; 2003, No. 28, §§ 7-16; 2003, No. 1750, § 6; 2005, No. 20, §§ 2-7; 2007, No. 182, § 20; 2007, No. 407, §§ 2-6; 2007, No. 873, §§ 5, 6; 2008 (1st Ex. Sess.), No. 4, §§ 4, 5; 2008 (1st Ex. Sess.), No. 5, §§ 4, 5; 2009, No. 610, § 6; 2009, No. 1464, §§ 2-4; 2011, No. 173, § 1; 2011, No.

265, § 4; 2011, No. 828, § 8; 2011, No. 1008, §§ 2-5; 2011, No. 1058, § 2.

A.C.R.C. Notes. Acts 2008 (1st Ex. Sess.), Nos. 4 and 5, § 1, provided: “Legislative findings and intent.

“(a) The General Assembly has determined that the severance tax rate on natural gas should be increased and that there should be different rates of tax for different categories of natural gas.

“(b) Amendment 19 of the Arkansas Constitution required this act to be passed by at least three-fourths of the members of the Senate and at least three-fourths of the members of the House of Representatives.

“(c) In order to implement the increase in the severance tax rate, the General Assembly has identified the following four categories of natural gas, each as defined in Arkansas Code § 26-58-101:

“(1) High-cost gas;

"(2) Marginal gas;

"(3) New discovery gas; and

"(4) All natural gas that is not defined as high-cost gas, marginal gas, or new discovery gas.

"(d) To increase the severance tax rate, the General Assembly used the method of levying a specific tax rate on each category so that any future legislative enactment that would have the effect of increasing the rate of severance tax on any of those categories of natural gas as defined by § 26-58-101 will also be subject to the three-fourths vote requirement of Amendment 19 of the Arkansas Constitution."

Amendments. The 2011 amendment by No. 173 added "and commercial mobile radio service provider telephone number surcharges" in (129).

The 2011 amendment by No. 265 rewrote (226).

The 2011 amendment by No. 828 rewrote (124).

The 2011 amendment by No. 1008 deleted "and temporary permit fees, § 27-16-803(c)(4)" following "§ 27-23-110(d)" in (150); deleted (161); deleted "Unregistered motor vehicle fines, § 27-14-314, and motor" from the beginning of (186); and added (244) and (245).

The 2011 amendment by No. 1058 rewrote (3)(A).

Effective Dates. Acts 2011, No. 828, § 11: Oct. 1, 2011. Effective date clause provided: "Sections 1 through 10 of this act are effective on the first day of the calendar quarter following the effective date of this act."

Acts 2011, No. 1058, § 6: July 1, 2012.

SUBCHAPTER 4 — SPECIAL REVENUE FUNDS

SECTION.

19-6-405. State Highway and Transportation Department Fund.

19-6-413. [Repealed.]

19-6-415. Arkansas Abstracters' Board Fund.

19-6-426. Arkansas Museum of Natural Resources Fund.

19-6-428. [Repealed.]

19-6-442. County Clerks Continuing Education Fund and the Circuit Clerks Continuing Education Fund.

SECTION.

19-6-444. [Repealed.]

19-6-458. Developmental Disabilities Services — Dog Track Special Revenue Fund.

19-6-465. Child Care Fund.

19-6-470. [Repealed.]

19-6-475. Securities Department Fund.

19-6-491. Domestic Peace Fund.

19-6-499. Fallen Firefighters' Memorial Fund.

Effective Dates. Acts 2009, No. 610, § 11: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2009 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2009 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the

public peace, health and safety shall be in full force and effect from and after July 1, 2009."

Acts 2009, No. 762, § 12: September 1, 2009.

Acts 2009, No. 1464, § 11: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that various laws have been enacted since the passage of the Revenue Classification Law which have changed or created various revenues collected by the State, and that this amendment to the Revenue Classification Law is necessary in order to reflect the various taxes, licenses, fees and other revenues levied and collected for the support of and use by State Government as they currently exist and from which appropria-

tions which become effective July 1, 2009 have been made by the Eighty-Seventh General Assembly. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009.”

Acts 2011, No. 294, § 11: July 1, 2011. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2011 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2011 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2011.”

Acts 2011, No. 860, § 3: May 1, 2011. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Capitol Grounds Monument and Memorial Preservation Fund is unfunded; that

the monuments and memorial areas on the State Capitol grounds often need maintenance and repair; that clarification is necessary so that the Secretary of State can perform his duties; and that this act is necessary to provide the necessary funding for the Arkansas Capitol Grounds Monument and Memorial Preservation Fund. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on May 1, 2011.”

Acts 2011, No. 1008, § 10: July 1, 2011. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that various laws have been enacted since the passage of the Revenue Classification Law which have changed or created various revenues collected by the State, and that this amendment to the Revenue Classification Law is necessary in order to reflect the various taxes, licenses, fees and other revenues levied and collected for the support of and use by State Government as they currently exist and from which appropriations which become effective July 1, 2011 have been made by the Eighty-Eighth General Assembly. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011.”

19-6-405. State Highway and Transportation Department Fund.

The State Highway and Transportation Department Fund shall consist of:

(1) That part of the special revenues as specified in § 19-6-301(2)-(4), (22), (81), (105)-(107), and (182), known as “highway revenue”, as distributed under the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq., and § 27-70-103 and § 27-72-301 et seq.;

(2) Those special revenues specified in § 19-6-301(10), (152), (187), (239), and (241);

(3) Fifty percent (50%) of § 19-6-301(26);

(4) That portion of § 19-6-301(2) as set out in § 27-14-601(a)(3)(H)(ii)(f);

(5) That portion of § 19-6-301(222);

(6) Those designated revenues as set out in § 26-56-201(e)(1), which consist of the additional total of four cents (4¢) distillate special fuel

taxes to be distributed as provided in the Arkansas Highway Financing Act of 1999, § 27-64-201 et seq.;

(7) Federal revenue sharing funds as set out in § 19-5-1005; and

(8) Any federal funds which may become available, there to be used for the maintenance, operation, and improvement required by the Arkansas State Highway and Transportation Department in carrying out the functions, powers, and duties as set out in Arkansas Constitution, Amendment 42, and §§ 27-65-102 — 27-65-107, 27-65-110, 27-65-122, and 27-65-124, and the other laws of this state prescribing the powers and duties of the department and the State Highway Commission.

History. Acts 1973, No. 808, § 14; 1979, No. 1027, § 8; 1985, No. 65, § 6; A.S.A. 1947, § 13-503.13; Acts 1987, No. 792, § 4; 1991, No. 1040, § 2; 1991, No. 1239, § 2; 1993, No. 1072, § 6; 1995, No. 270, § 5; 1997, No. 298, § 4; 2001, No.

229, § 8; 2005, No. 20, § 9; 2009, No. 1464, § 5.

Amendments. The 2009 amendment added "(239), and (241)" and made a related change in (2).

19-6-410. Oil and Gas Commission Fund.

A.C.R.C. Notes. Acts 2010, No. 53, § 6, provided: "FUND TRANSFER. The Oil and Gas Commission, after receiving review from the Chief Fiscal Officer of the State and the Legislative Council, may request the Chief Fiscal Officer to transfer

up to \$750,000 per year on his or her books and the books of the State Treasurer and the Auditor of the State from the Oil and Gas Commission Fund to the Abandoned and Orphan Well Plugging Fund."

19-6-413. [Repealed.]

Publisher's Notes. This section, concerning the Cosmetology Operating Fund, was repealed by Acts 2011, No. 1008, § 6.

The section was derived from Acts 1973, No. 808, § 14; 1983, No. 222, § 5; A.S.A. 1947, § 13-503.13; Acts 2003, No. 69, § 4.

19-6-415. Arkansas Abstracters' Board Fund.

The Arkansas Abstracters' Board Fund shall consist of those special revenues as specified in § 19-6-301(93), there to be used for the maintenance, operation, and improvement of the Arkansas Abstracters' Board.

History. Acts 1973, No. 808, § 14; A.S.A. 1947, § 13-503.13; Acts 2009, No. 1464, § 6.

deleted "Examining" preceding "Board" in the section heading; and rewrote the section.

Amendments. The 2009 amendment

19-6-426. Arkansas Museum of Natural Resources Fund.

The Arkansas Museum of Natural Resources Fund shall consist of those special revenues as specified in § 19-6-301(61) and (101), there to be used for the construction, maintenance, operation, and improvement of the Arkansas Museum of Natural Resources of the State Parks Division of the Department of Parks and Tourism in exercising the

powers, functions, and duties as set out in § 13-5-401 et seq., and for paying the expenses of administering such funds by the department as may be authorized by law.

History. Acts 1973, No. 808, § 14; 1979, No. 1027, § 9; 1983, No. 222, § 5; A.S.A. 1947, § 13-503.13; Acts 2009, No. 251, § 23.

Amendments. The 2009 amendment substituted "Arkansas Museum of Natural Resources" for "Oil Museum" and for

"Arkansas Oil and Brine Museum," substituted "State Parks Division of the Department of Parks and Tourism" for "State Parks, Recreation, and Travel Commission," substituted "the department" for "the Department of Parks and Tourism," and made related changes.

19-6-428. [Repealed.]

Publisher's Notes. This section, concerning the Severed Resources Fund, was repealed by Acts 2009, No. 610, § 7. The section was derived from Acts 1973, No. 808, § 8; 1975, No. 863, § 5; 1979, No. 1027, §§ 2, 10; 1983, No. 222, §§ 3, 4; 1983, No. 801, § 1; 1985, No. 65, §§ 3, 4; 1985, No. 613, § 1; 1985, No. 888, § 13; A.S.A. 1947, § 13-503.7; Acts 1987, No. 792, §§ 2, 3; 1989, No. 551, §§ 2, 3; 1989, No. 821, § 6; 1991, No. 76, §§ 1, 2; 1991, No. 765, § 5; 1993, No. 324, § 2; 1993, No.

1072, §§ 3, 4; 1993, No. 1073, § 29; 1995, No. 270, §§ 2, 3; 1995, No. 369, § 2; 1997, No. 156, § 2; 1997, No. 298, §§ 2, 13; 1997, No. 974, § 18; 1997, No. 1071, § 2; 1999, No. 15, § 4; 1999, No. 282, §§ 3, 4, 14; 1999, No. 1122, § 3; 1999, No. 1164, § 168; 2001, No. 229, §§ 5-7; 2003, No. 28, §§ 7-16; 2003, No. 1750, § 6; 2005, No. 20, §§ 2-7; 2007, No. 182, § 20; 2007, No. 407, §§ 2-6; 2007, No. 873, §§ 5, 6; 2008 (1st Ex. Sess.), No. 4, §§ 4, 5; 2008 (1st Ex. Sess.), No. 5, §§ 4, 5.

19-6-442. County Clerks Continuing Education Fund and the Circuit Clerks Continuing Education Fund.

The County Clerks Continuing Education Fund and the Circuit Clerks Continuing Education Fund shall consist of those special revenues as specified in § 19-6-301(119), there to be used for defraying the expenses of training seminars and other educational projects benefiting county and circuit clerks in this state as set out in §§ 16-20-105 and 16-20-110 and § 26-60-101 et seq.

History. Acts 1973, No. 808, § 14; 1985, No. 65, § 6; A.S.A. 1947, § 13-503.13; Acts 2009, No. 480, § 3.

Amendments. The 2009 amendment inserted "and the Circuit Clerks Continu-

ing Education Fund," and substituted "§§ 16-20-105 and 16-20-110 and § 26-60-101 et seq." for § 26-60-101 et seq. and § 16-20-105."

19-6-444. [Repealed.]

Publisher's Notes. This section, concerning the Arkansas Department of Environmental Quality Fee Fund, was repealed by Acts 2009, No. 1464, § 7. The

section was derived from Acts 1973, No. 808, § 14; 1985, No. 65, § 7; A.S.A. 1947, § 13-503.13; Acts 1995, No. 270, § 7; 1999, No. 1164, § 170.

19-6-458. Developmental Disabilities Services — Dog Track Special Revenue Fund.

There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Developmental Disabilities Services — Dog Track Special Revenue Fund" that shall consist of those special revenues as specified in § 19-6-301(16), there to be used for the sole benefit of community programs of the Division of Developmental Disabilities Services of the Department of Human Services licensed by the division.

History. Acts 1989 (3rd Ex. Sess.), No. 85, § 2; 2003, No. 28, § 19; 2009, No. 251, § 24.

Amendments. The 2009 amendment inserted "the Auditor of State" and made minor punctuation and stylistic changes.

19-6-465. Child Care Fund.

The Child Care Fund shall consist of those special revenues as specified in § 19-6-301(133) and (157) and moneys received from the Department of Human Services, there to be used by the Division of Child Care and Early Childhood Education of the Department of Human Services exclusively to provide grants to child care facilities for enhancement of the facility or for training of personnel in child care facilities and to meet the costs of conducting the statewide criminal records checks required under § 20-78-606, all as set out in § 20-78-201 et seq.

History. Acts 1991, No. 76, § 4; 1999, No. 282, § 7; 2009, No. 762, § 3.

substituted "§ 20-78-606" for "§ 20-78-602."

Amendments. The 2009 amendment

19-6-470. [Repealed.]

Publisher's Notes. This section, concerning the Apprentice Plumbers Training Fund, was repealed by Acts 2011, No.

1008, § 7. The section was derived from Acts 1993, No. 1072, § 12.

19-6-475. Securities Department Fund.

The Securities Department Fund shall consist of those special revenues as specified in § 19-6-301(211) and until July 1, 2013, the first two million dollars (\$2,000,000) of those special revenues as specified in 19-6-301(173), (174), and (245), and such other funds as may be provided by law or regulatory action, there to be used for maintenance, operation, support, and improvement of the State Securities Department in carrying out its functions, powers, and duties as set out by law and by rule and regulation not inconsistent with law, as set out in § 23-42-211.

History. Acts 1995, No. 270, § 11; 2005, No. 20, § 13; 2011, No. 294, § 7; 2011, No. 1008, § 8.

Amendments. The 2011 amendment by No. 294 substituted "July 1, 2013" for "July 1, 2011" and "two million dollars

(\$2,000,000)” for “one million dollars The 2011 amendment by No. 1008 inserted “(245).”
 (\$1,000,000).”

19-6-491. Domestic Peace Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the “Domestic Peace Fund”.

(b)(1) The moneys collected under § 16-20-407, as designated under § 16-20-407(b)(2), shall be deposited into the State Treasury to the credit of the fund as special revenue.

(2) The fund shall also consist of:

(A) That portion of special revenues specified in § 19-6-301(172)(B);

(B) Moneys obtained from private grants or other sources that are designated to be credited to the fund; and

(C) Other revenues as may be authorized by law.

(c) The fund shall be used by the Arkansas Child Abuse/Rape/Domestic Violence Commission as provided under the Arkansas Domestic Peace Act, § 9-4-101 et seq.

History. Acts 2003, No. 1029, § 2; deleted “any” at the end of the introductory language of (b)(2); and inserted present (b)(2)(A) and redesignated the remaining subdivisions accordingly.
 2005, No. 20, § 16; 2005, No. 1962, § 86;
 2009, No. 1464, § 8.

Amendments. The 2009 amendment

19-6-499. Fallen Firefighters’ Memorial Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the “Fallen Firefighters’ Memorial Fund”.

(b)(1) All moneys collected under § 27-24-1303(c)(2)(C) shall be deposited into the State Treasury to the credit of the fund as special revenues.

(2) The fund shall also consist of any other revenues as may be authorized by law.

(c)(1) The moneys deposited into the fund shall be used by the Secretary of State to satisfy the fee requirements for placement, improvements to, or replacement of the monument or memorial area under § 19-5-1125(c).

(2) All maintenance and costs shall be approved by the Arkansas Fallen Firefighters’ Memorial Board and the Capitol Arts and Grounds Commission.

History. Acts 2005, No. 28, § 4; 2009, substituted “27-24-1303(c)(2)(C)” for “27-15-2702(a)(2) [repealed]” in (b)(1).
 No. 251, § 25; 2011, No. 860, § 2.

Amendments. The 2009 amendment

The 2011 amendment rewrote (c)(1).

SUBCHAPTER 7 — NONREVENUE RECEIPTS

SECTION.

19-6-701. Nonrevenue receipts.

19-6-701. Nonrevenue receipts.

(a) Nonrevenue receipts shall consist of:

- (1) The repayment of the principal amount of loans;
- (2) The proceeds of the sale and redemption of securities, including premiums received thereon;
- (3) The transfer of funds, by warrants, between funds or fund accounts on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State;
- (4) Federal reimbursement received by state agencies on account of eligible expenditures for specific programs and deposited into funds or fund accounts in the State Treasury classified other than federal;
- (5) Refunds to the state or state agencies, departments, or institutions; and
- (6) Funds collected from drug manufacturers as rebates according to promulgated regulations of Title XIX of the Social Security Act, as amended, and deposited into the Arkansas Medicaid Rebate Program Revolving Fund. These funds shall be transferrable to the Department of Human Services Medicaid Paying Accounts Account for disbursement in the Arkansas Medicaid Program.

(b) Refunds to expenditures shall consist of:

- (1) Proceeds received from insurance policies for casualty losses by state agencies, departments, or institutions;
- (2) Proceeds received from vendors on account of overpayment of obligations remitted by state agencies, departments, or institutions;
- (3) Refunds to state agencies for cash advances or over allocations made to other state and local agencies for subgrants;
- (4) Refunds to state agencies for the erroneous payment or overpayment of salaries to state employees;
- (5) Proceeds derived from the maturity or redemption of investments;
- (6) Reimbursements to institutions of higher learning for cash fund expenditures for salaries that are properly chargeable to funds in the State Treasury;
- (7) Deposits by the counties in the State Aid Road Fund and in the County Supplement Fund Account in the State Treasury for matching funds available in the state aid road construction program;
- (8) Reimbursements to state agencies for cost-sharing purposes;
- (9) Federal reimbursements of expenses paid in advance by the state on behalf of the federal government; and
- (10) Reimbursements by vendors or their agents for warranties, product rebates, and service adjustments.

(c) The first eighteen million dollars (\$18,000,000) received each fiscal year by the State of Arkansas under the State and Local Fiscal

Assistance Act of 1972, commonly referred to as the Revenue Sharing Act, shall be transferred by the Treasurer of State to the Federal Revenue Sharing State Highway Trust Fund Account in the State Highway and Transportation Department Fund.

(d) Income derived from the sale of miscellaneous and junk inventories whose ownership is questionable or where excessive administrative accounting is required shall be deposited into the State Treasury as a nonrevenue receipt, there to be credited to the state Miscellaneous Agencies Fund Account.

History. Acts 1973, No. 808, § 11; 1975, No. 230, § 4; 1975, No. 868, § 13; 1977, No. 437, § 1; 1979, No. 1027, §§ 4, 5; A.S.A. 1947, §§ 13-503.10, 13-503.10a; Acts 1991, No. 1023, § 5; 1997, No. 795, § 2; 2007, No. 716, § 1.

Publisher's Notes. This section is being set out to correct a reference to a fund account in (d).

SUBCHAPTER 8 — SPECIAL REVENUE FUNDS CONTINUED

SECTION.

- 19-6-805. Arkansas Rx Program Fund.
- 19-6-806. Abandoned and Orphan Well Plugging Fund.
- 19-6-811. Wildlife Recreation Facilities Fund.
- 19-6-812. Cigarette Fire Safety Standard Fund.
- 19-6-813. Military Funeral Honors Fund.
- 19-6-814. Digital Product and Motion Picture Office Fund.

SECTION.

- 19-6-815. School-Age Children Eye and Vision Care Fund.
- 19-6-816. Arkansas Retirement Community Program Fund Account.
- 19-6-817. State Drug Crime Enforcement and Prosecution Grant Fund.
- 19-6-818. Wildlife Observation Trail Fund.

Effective Dates. Acts 2009, No. 697, § 3: January 1, 2010.

Acts 2009, No. 816, § 4: Apr. 3, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas the incentives afforded by this Act to the digital content industry can serve to stimulate the economy of the area in which production and postproduction is performed; and that the incentives have a multiplier effect, in terms of economic development, in the locality of the production and statewide; and that tax revenues generated by the activities of digital content production and postproduction more than offset the revenue lost through the incentives provided by this act. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by

the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2009, No. 1464, § 11: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that various laws have been enacted since the passage of the Revenue Classification Law which have changed or created various revenues collected by the State, and that this amendment to the Revenue Classification Law is necessary in order to reflect the various taxes, licenses, fees and other revenues levied and collected for the support of and use by State Government as they currently exist and from which appropriations which become effective July 1, 2009

have been made by the Eighty-Seventh General Assembly. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

Acts 2011, No. 1008, § 10: July 1, 2011. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that various laws have been enacted since the passage of the Revenue Classification Law which have changed or created various revenues collected by the State, and that this amend-

ment to the Revenue Classification Law is necessary in order to reflect the various taxes, licenses, fees and other revenues levied and collected for the support of and use by State Government as they currently exist and from which appropriations which become effective July 1, 2011 have been made by the Eighty-Eighth General Assembly. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011."

19-6-805. Arkansas Rx Program Fund.

The Arkansas Rx Program Fund shall consist of Arkansas Rx Program fees, rebates, and penalties as set out in § 20-76-504, and any other revenues as may be authorized by law, there to be used by the Department of Human Services to reimburse retail pharmacies for rebates, contracted services, including pharmacy processing fees, administrative and associated computer costs, and other reasonable program costs, as set out in § 20-76-501 et seq.

History. Acts 2007, No. 407, § 17; 2009, No. 1464, § 9.

deleted "that portion of those special revenues as specified in § 19-6-301(201)," following "consist of."

Amendments. The 2009 amendment

19-6-806. Abandoned and Orphan Well Plugging Fund.

The Abandoned and Orphan Well Plugging Fund shall consist of those special revenues as specified in § 19-6-301(230), proceeds from the transfer of a well, well-site equipment, or hydrocarbons from the well as established by § 15-72-217(b)(2), grants, gifts, and any other revenues as may be authorized by law, there to be used by the Oil and Gas Commission to provide security in the event an oil and/or gas well operator fails to perform plugging responsibilities under § 15-72-217 or fails to correct well conditions that create an imminent danger to the health or safety of the public, or threaten significant environmental harm or damage to property.

History. Acts 2007, No. 407, § 17; 2011, No. 1008, § 9.

Amendments. The 2011 amendment inserted "proceeds from the transfer of a

well, well-site equipment, or hydrocarbons from the well as established by § 15-72-217(b)(2)."

19-6-811. Wildlife Recreation Facilities Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Wildlife Recreation Facilities Fund" administered by the Department of Rural Services.

(b) The fund shall consist of:

(1) Those special revenues and any other revenues authorized by law;

(2) Any moneys appropriated to it by the General Assembly; and

(3) Any gifts, contributions, grants, or bequests received from federal, private, or other sources.

(c) The fund shall be used by the department to develop criteria to establish and fund the development and maintenance of wildlife recreation facilities.

History. Acts 2009, No. 687, § 2.

19-6-812. Cigarette Fire Safety Standard Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Cigarette Fire Safety Standard Fund".

(b) The fund shall consist of:

(1) All certification fees paid under § 20-27-2105;

(2) All moneys recovered as civil penalties under § 20-27-2107; and

(3) Any other revenues as may be authorized by law.

(c) The fund shall be used by the Director of Arkansas Tobacco Control to support fire safety and prevention programs.

History. Acts 2009, No. 697, § 1.

19-6-813. Military Funeral Honors Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Military Funeral Honors Fund".

(b)(1) All moneys collected under § 27-24-209(d)(7) shall be deposited into the State Treasury to the credit of the fund as special revenues.

(2) The fund shall also consist of any other revenues authorized by law.

(c) The fund shall be used by the Department of Veterans' Affairs to assist with the cost of providing military funeral honors at veterans' funerals.

History. Acts 2009, No. 784, § 2.

19-6-814. Digital Product and Motion Picture Office Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Digital Product and Motion Picture Office Fund".

(b) The fund shall consist of revenues as authorized by law.

(c) The fund shall be used for providing additional funds for duties and functions of the Motion Picture Office of the Arkansas Economic Development Commission.

(d)(1) The fund shall be administered in accordance with rules promulgated by the Department of Finance and Administration.

(2) The department shall consult with the Motion Picture Office of the Arkansas Economic Development Commission.

History. Acts 2009, No. 816, § 2.

19-6-815. School-Age Children Eye and Vision Care Fund.

The School-Age Children Eye and Vision Care Fund shall consist of those special revenues as specified in § 19-6-301(242), and any other revenues as may be authorized by law, there to be used by the Arkansas Commission on Eye and Vision Care of School Age Children for the purpose of carrying out its responsibilities as stated in uncodified Section 1 of Acts 2007, No. 138.

History. Acts 2009, No. 1464, § 10.

19-6-816. Arkansas Retirement Community Program Fund Account.

The Arkansas Retirement Community Program Fund Account shall consist of those special revenues as specified in § 19-6-301(243), and any other revenues as may be authorized by law, there to be used by the Arkansas Economic Development Commission for payment of administrative and personnel costs and other costs of the department associated with administering the Arkansas Retirement Community Program, as set out in the Arkansas Retirement Community Program Act, § 15-14-101 et seq.

History. Acts 2009, No. 1464, § 10.

19-6-817. State Drug Crime Enforcement and Prosecution Grant Fund.

(a) There is hereby established and created on the books of the Chief Fiscal Officer of the State, the Treasurer of State, and the Auditor of State a special revenue fund to be known as the "State Drug Crime Enforcement and Prosecution Grant Fund".

(b) The fund shall consist of:

(1) Revenues generated under § 12-17-106; and

(2) Any moneys authorized by the General Assembly.

(c) The fund shall be used by the Department of Finance and Administration for the purpose of funding state grant awards for multi-jurisdictional drug crime task forces to investigate and prosecute drug crimes within the State of Arkansas, as set out in § 12-17-101 et seq.

History. Acts 2009, No. 1464, § 10. Enforcement and Prosecution Grant
Cross References. State Drug Crime Fund, § 12-17-102.

19-6-818. Wildlife Observation Trail Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Wildlife Observation Trail Fund" administered by the Department of Parks and Tourism.

(b) The fund shall consist of:

(1) Those special revenues and any other revenues as may be authorized by law;

(2) Any moneys appropriated to it by the General Assembly; and

(3) Any gifts, contributions, grants, or bequests received from federal, private, or other sources.

(c) The fund shall be used by the department to develop criteria to establish and fund the development and maintenance of wildlife observation trails.

History. Acts 2009, No. 686, § 2.

CHAPTER 7 FEDERAL FUNDS

SUBCHAPTER

4. RECEIPT OF FEDERAL FUNDS GENERALLY.

7. TITLE XX SOCIAL SECURITY FUNDS.

8. SALE OR LEASE OF MINERALS, OIL, AND GAS.

SUBCHAPTER 4 — RECEIPT OF FEDERAL FUNDS GENERALLY

SECTION.

19-7-402. Sale of public domain lands and leases.

19-7-402. Sale of public domain lands and leases.

(a) Funds received by the Treasurer of State from the federal government on account of the sale of public domain lands from any funds coming to the Treasurer of State from the federal Taylor Grazing Act shall be distributed to the respective counties in which the property is situated.

(b)(1) Eighty percent (80%) of the funds of each county shall be distributed to the school districts of the county in ratio to the leased territory or public domain sold within the district.

(2) The remaining twenty percent (20%) of the funds for each county shall be credited to the county road fund.

(c) The county treasurer shall make distribution of the school districts' portion on an acreage basis or other equitable basis if the data required for making a distribution of funds as provided in this section is not available at the time funds are available for distribution.

(d)(1) The Treasurer of State shall distribute that portion of the funds that accrue to the schools to the respective counties and distribute the funds that accrue to the county road funds.

(2)(A) It shall be the duty of the county quorum court to provide the county treasurer with a statement showing the distribution of the funds in accordance with law.

(B) Thereafter, the county treasurer shall credit the respective school districts with the amounts indicated.

History. Acts 1999, No. 1078, § 86; **Amendments.** The 2009 amendment 2005, No. 433, § 3; 2009, No. 1476, § 1. rewrote (d)(1).

SUBCHAPTER 7 — TITLE XX SOCIAL SECURITY FUNDS

SECTION.

19-7-701. Contract services — Advance payment.

19-7-701. Contract services — Advance payment.

(a) In order to provide effective purchased services to the needy citizens of Arkansas, the Director of the Department of Human Services is authorized to pay one-twelfth (1/12) of the total amount of a Title XX contract to the service provider on the effective date of the contract. The amount of the advance payment shall be adjusted out of the reimbursement actually earned by the provider during the contract period.

(b) This section will be used only after the director has conducted a study of the financial condition of the contracting agency to determine if an advance payment is necessary. If the advance is necessary, the director shall forward his or her request and the reasons therefor to the Chief Fiscal Officer of the State for approval.

(c)(1) If the request is approved, the Chief Fiscal Officer of the State shall loan the necessary amount to the appropriate fund accounts within the Department of Human Services from the Budget Stabilization Trust Fund.

(2) However, the balance of any loans made under subdivision (c)(1) of this section during the course of a fiscal year shall be recovered by the department and repaid to the fund by June 30 of that fiscal year.

History. Acts 1981, No. 538, § 4; A.S.A. **Amendments.** The 2009 amendment 1947, § 13-743; Acts 2009, No. 251, § 26. subdivided (c), inserted "under subdivi-

sion (c)(1) of this section" in (c)(2), and made minor stylistic changes.

SUBCHAPTER 8 — SALE OR LEASE OF MINERALS, OIL, AND GAS

SECTION.

19-7-801. Federal lands.

19-7-802. [Repealed.]

19-7-801. Federal lands.

(a) Moneys received by the Treasurer of State from the federal government for a sale, lease, royalty, bonus, or rental of oil, gas, or mineral lands belonging to the federal government and located in this state shall be distributed under this section.

(b) Moneys received under subsection (a) of this section by and after September 1, 2008, by the Treasurer of State shall be credited by the Treasurer of State as follows:

(1) Fifty percent (50%) of the moneys received shall be credited to the General Revenue Fund Account of the State Apportionment Fund for distribution to various funds that participate in the distribution of general revenues in the respective proportion to each fund, to be used for the purposes under the Revenue Stabilization Law, § 19-5-101 et seq.; and

(2) Fifty percent (50%) of the moneys received shall be distributed to the counties in which the federal lands that generate the moneys are located according to federal reports that identify the counties with the federal lands that generate the moneys. Moneys under this subdivision (b)(2) shall be distributed by the Treasurer of State as follows:

(A)(i) Sixty percent (60%) of the moneys shall be distributed to the County Aid Fund, to be distributed by the Treasurer of State to the county treasurer of each county that has a school district with a boundary that includes a portion of the federal lands that generate the moneys.

(ii) A county is responsible for distributing moneys under subdivision (b)(2)(A)(i) of this section to a school district with a boundary that includes a portion of the federal lands that generate the moneys.

(iii) If there is more than one (1) school district with a boundary that includes a portion of the federal lands that generate the moneys within a county receiving these moneys, then each school district in that county shall receive a proportionate share of the moneys based on the school district's portion of the acreage over the total acreage in all districts in that county;

(B) Fifteen percent (15%) of the moneys received under this subdivision (b)(2) shall be distributed to the County Aid Fund to be distributed by the Treasurer of State to the county treasurer for credit to the county road funds of the counties to which these moneys are allocated; and

(C)(i) Twenty-five percent (25%) of the moneys received under this subdivision (b)(2) shall be distributed to the County Aid Fund for

distribution by the Treasurer of State to the county treasurer of the county to which the moneys are to be distributed.

(ii) Except as provided under subdivision (b)(2)(C)(iii) of this section, on receipt of the moneys under this subdivision (b)(2)(C), the county treasurer of the county shall distribute the moneys to the county general fund and to the respective cities, towns, school districts, community college districts, and county and municipal libraries in the county in the proportion that each taxing unit shares in the real and personal property taxes collected in the county.

(iii) A school district in the county that receives a distribution of funds under subdivisions (b)(2)(A) and (B) of this section and the county road fund that receives a distribution of funds under subdivisions (b)(2)(A) and (B) of this section are not entitled to receive an additional distribution of the funds under this subdivision (b)(2)(C).

History. Acts 1983, No. 921, §§ 1, 2; A.S.A. 1947, §§ 13-706.1, 13-706.2; Acts 1999, No. 1318, § 5; 2009, No. 1476, § 2.

Amendments. The 2009 amendment

deleted "other than military" at the end of the section heading; and rewrote the section.

19-7-802. [Repealed.]

Publisher's Notes. This section, concerning temporary permits, was repealed by Acts 2009, No. 1476, § 3. This section

was derived from Acts 1983, No. 157, §§ 1, 2; A.S.A. 1947, §§ 13-752, 13-753; Acts 1999, No. 1318, § 6.

CHAPTER 8

DEPOSITORIES FOR PUBLIC FUNDS

SUBCHAPTER.

1. GENERAL PROVISIONS.

3. LOCAL GOVERNMENT JOINT INVESTMENT TRUST ACT.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

19-8-104. Investment of public funds.

19-8-106. Depository boards.

SECTION.

19-8-107. Depository agreements.

19-8-104. Investment of public funds.

(a) Except as provided in subsection (b) of this section, all public funds as defined in § 19-8-101 shall be deposited into banks located in the state.

(b) A school district may seek a hardship waiver from the Legislative Joint Auditing Committee from this section and deposit public funds into an out-of-state bank if:

(1) The school district is designated as an isolated school district under §§ 6-20-601 and 6-20-602;

(2) The school district lies on the borders of the state line;

(3) The nearest Arkansas bank is located at least eighteen (18) miles from the administrative offices of the district;

(4) The administrative offices of the district are located within six (6) miles from an out-of-state bank; and

(5) The out-of-state bank meets all other requirements concerning collateralization of state funds.

History. Acts 1935, No. 21, § 5; 1973, No. 107, § 1; A.S.A. 1947, § 13-802; Acts 1991, No. 459, § 1; 1995, No. 770, § 1; 2011, No. 629, § 2.

Amendments. The 2011 amendment, in (a), substituted "subsection (b)" for

"subsections (b) and (c)" and "state" for "State of Arkansas"; in (b), substituted "public funds" for "state funds" and "if" for "under the following conditions"; and deleted (c).

19-8-106. Depository boards.

(a)(1) The quorum court of each of the several counties shall by ordinance establish a county depository board. The county depository board is to be composed of the county judge, the county treasurer and county collector, or the sheriff when acting as ex officio tax collector, or those officials performing the duties of the above officials where an elective county office has been changed in accordance with Arkansas Constitution, Amendment 55.

(2) The board shall designate depositories and supervise the depositing of all county funds and all other public funds held by the county treasurer, except funds of a school district, and shall also designate depositories and supervise the depositing of all funds collected and held by the county collector.

(3) The board may also require county officials to settle with the county treasurer more frequently than required by Arkansas law.

(b)(1) Except as provided in subdivision (b)(2) of this section, the following persons shall constitute a three-member board to designate depositories and supervise the depositing of municipal funds:

(A) A mayor;

(B) A city clerk or recorder or clerk-treasurer or recorder-treasurer; and

(C) A city council member selected by the city council.

(2) Although the board shall not total more than three (3) members, the city council may replace one (1) of the three (3) board members listed in subdivision (b)(1) of this section with the city finance officer or other official.

(3) A majority of the board members shall be necessary to conduct business and to constitute a quorum.

(c) The commissioners of road, drainage, levee, and other improvement districts shall designate depositories and supervise the depositing of funds of their respective districts.

(d) The board of directors of any school district shall constitute a board to designate depositories and supervise the depositing of school district funds. All school district funds, whether held by the treasurer of

the school district or by the county treasurer, shall be deposited as designated by the board of directors.

History. Acts 1935, No. 21, § 2; Pope's Dig., § 4328; Acts 1945, No. 57, § 1; 1973, No. 107, § 1; A.S.A. 1947, § 13-802; Acts 1987, No. 250, § 1; 2011, No. 619, § 1.

Amendments. The 2011 amendment rewrote (b).

19-8-107. Depository agreements.

(a)(1) After the receipt from the Bank Commissioner of the list of banks or banking institutions and recommended amounts of public funds each may accept, the depository boards shall designate the banks or banking institutions in which the funds shall be deposited and shall enter into a depository agreement with each designated institution.

(2) The depository boards may at any time enter into depository agreements with any new bank chartered if the bank is certified by the commissioner as being eligible as a depository of public funds under the laws of this state. The certificate shall contain the recommended amount of public funds the bank may accept.

(3)(A) All county and municipal depository agreements shall be entered into using standardized forms provided by the State Board of Finance.

(B) The forms shall include language necessary to create an enforceable perfected security interest in all collateral for deposits.

(C) Depository boards and banks or banking institutions giving or holding collateral for deposits of public funds shall comply with federal law so that the governmental entity or political subdivision depositing public funds will hold a valid claim in deposits and collateral given for those deposits against and prevent avoidance of such a claim by the Federal Deposit Insurance Corporation or its successor or any similar deposit insurance agency acting as receiver, conservator, or in any other capacity.

(b) All depository agreements shall continue in full force until the bank or banking institution receives written notice of revocation by the depository board or until there is a change of membership on the depository board.

(c)(1) The treasurers or other public officials or other persons having custody of these funds shall deposit them into the designated depositories.

(2) The depositing of these funds into the designated depositories shall relieve the public officer or other person and his or her sureties from any liability for the loss of the funds by reason of the default or insolvency of any depository.

(3) County officials shall make timely investment of public funds to earn optimum interest consistent with the prudent investor rule for investments as defined by Arkansas law.

(d)(1) County and municipal officials shall require security for the deposit or investment of public funds for amounts not fully insured directly by the United States.

(2) All security required under this subsection shall meet the requirements of an eligible security under §§ 19-8-203 and 23-47-203(c).

(3) Public officials may require as a condition for placing deposits or keeping funds on deposit such financial data as they need to make an informed decision, including without limitation quarterly financial statements, quarterly profit and loss statements, and tangible net worth or capital-to-assets ratios.

History. Acts 1935, No. 21, § 3; Pope's Dig., § 4329; Acts 1945, No. 62, § 1; 1947, No. 122, § 1; 1964 (1st Ex. Sess.), No. 18, § 1; A.S.A. 1947, § 13-803; Acts 1987, No. 250, §§ 2, 3; 1995, No. 232, § 9; 2003, No. 68, §§ 1, 2; 2011, No. 619, § 2.

Amendments. The 2011 amendment, in (a)(2), inserted "depository" and deleted

"upon request therefor" following "commissioner"; inserted "and municipal" in (a)(3)(A); substituted "create an enforceable" for "achieve a" in (a)(3)(B); inserted (a)(3)(C); substituted "prudent investor" for "prudent man" in (c)(3); and inserted "and municipal" in (d)(1).

SUBCHAPTER 3 — LOCAL GOVERNMENT JOINT INVESTMENT TRUST ACT

SECTION.

19-8-305. Terms of trust agreement.

19-8-308. Authorized common trust fund investments.

19-8-305. Terms of trust agreement.

(a) Each trust agreement shall specify the following:

(1) Its duration;

(2)(A) The number, qualifications, method of election, and terms of the trustees who shall serve as the governing body of the trust.

(B)(i) Each trust shall have a minimum of seven (7) trustees.

(ii) Only current elected officials and active or retired employees of a local government or of a local government association may serve as trustees.

(iii) A majority of the trustees must be officials or employees of participants.

(C)(i) Each trustee shall be elected by the participants for a term not to exceed three (3) years.

(ii) The terms of office shall be staggered so that at least one-third ($\frac{1}{3}$) of the trustees are elected each year.

(D) Each participant shall be entitled to one (1) vote in each election of trustees;

(3) The qualifications, terms, and conditions necessary for additional local governments to become parties to the trust;

(4) The terms and conditions under which local governments may withdraw as parties to the trust; provided, that any party shall have the unconditional right to withdraw upon not more than ninety (90) days' notice;

(5) The permissible methods for acquiring, holding, and disposing of real and personal property used in the operation of the trust;

(6) The maximum amount of funds of participants the trust may accept for investment;

(7) The permissible methods to be employed in accomplishing the partial or complete termination of the trust and for disposing of property upon the partial or complete termination;

(8) The terms and conditions under which the trust agreement may be amended and supplemented; and

(9) Any other necessary and proper matters.

(b) Each addition of a local government as a party to a trust, each withdrawal of a local government as a party to a trust, and each amendment or supplement to a trust agreement shall be evidenced by a written supplement to the trust agreement.

History. Acts 1993, No. 583, § 5; 2009, No. 417, § 1.

Amendments. The 2009 amendment, in (a)(2)(B), substituted "current elected

officials and active or retired" for "full-time" and "local government" for "participant" in (a)(2)(B)(ii), and inserted "officials or" in (a)(2)(B)(iii).

19-8-308. Authorized common trust fund investments.

A trust created under this subchapter may invest moneys held for the credit of a common trust fund in the same manner as cities under §§ 19-1-504 and 19-1-505 and according to the investment policy adopted by the board of directors of the trust.

History. Acts 1993, No. 583, § 8; 2011, No. 629, § 3.

Amendments. The 2011 amendment rewrote the section.

CHAPTER 10

CLAIMS AGAINST THE STATE

SUBCHAPTER.

2. ARKANSAS STATE CLAIMS COMMISSION.
3. EFFECT OF INSURANCE COVERAGE.
4. WORKERS' COMPENSATION COMMISSION.

SUBCHAPTER 2 — ARKANSAS STATE CLAIMS COMMISSION

SECTION.

- 19-10-204. Jurisdiction.
19-10-213. Agency to pay claim.

SECTION.

- 19-10-215. Restrictions on awards.

Effective Dates. Acts 2009, No. 437, § 7: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2009 is essential to the

operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2009 could work irreparable harm upon the proper administration and provision of essential governmental programs.

Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2009."

Acts 2011, No. 320, § 25: Mar. 17, 2011. Emergency clause provided: "It is found and determined by the General Assembly, that payees listed in this Act may be entitled to the sums appropriated and transferred to herein, and that they have been deprived of the use of these funds for a long period of time, and that further delay in paying these just debts of the

state would do harm to the reputation of the State of Arkansas. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after the date of its passage and approval. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

19-10-204. Jurisdiction.

(a) Except as otherwise provided by law, the Arkansas State Claims Commission shall have exclusive jurisdiction over all claims against the State of Arkansas and its several agencies, departments, and institutions, but shall have no jurisdiction of claims against municipalities, counties, school districts, or any other political subdivisions of the state.

(b)(1)(A)(i) The commission shall have no jurisdiction of, or authority with respect to, claims arising under:

(a) The Workers' Compensation Law, § 11-9-101 et seq.;

(b) The Department of Workforce Services Law, § 11-10-101 et seq.;

(c) The Arkansas Teacher Retirement System Act, § 24-7-201 et seq.;

(d) The Arkansas Public Employees' Retirement System Act, § 24-4-101 et seq.;

(e) The State Police Retirement System Act, § 24-6-201 et seq.; or

(f) Laws providing for old age assistance grants, child welfare grants, blind pensions, or any laws of a similar nature.

(ii) Additionally, the commission shall have no jurisdiction over claims against the state for repayment of child support, except in cases where the underlying support order is set aside as void ab initio by the court and the child support paid was retained by the state as reimbursement for public assistance paid on behalf of a child.

(iii) The commission shall have no jurisdiction over:

(a) A claim by a member of the uniformed armed services against the State Military Department, the State Militia, or any subdivision thereof, if the claim arises out of the performance of the claimant's military duty;

(b) Claims against the Department of Community Correction for acts committed by a person while that person is subject to conditions of parole or probation under Arkansas law; or

(c) Claims against the Department of Correction for acts committed by inmates while on authorized release from the Department of Correction.

(B) Claims solely addressing the receipting, processing, and reissuance of child support payments through the Arkansas child support clearinghouse shall remain within the jurisdiction of the commission.

(2)(A) The commission shall have jurisdiction only over those claims which are barred by the doctrine of sovereign immunity from being litigated in a court of general jurisdiction.

(B) The commission shall have no jurisdiction over claims for state tax refunds under § 26-18-507, claims challenging tax assessments under § 26-18-406, and claims challenging tax laws under Arkansas Constitution, Article 16, § 13.

(3)(A) The commission shall make no award for any claim which, as a matter of law, would be dismissed from a court of law or equity for reasons other than sovereign immunity.

(B) Specifically, if the facts of a given claim would cause the claim to be dismissed as a matter of law from a court of general jurisdiction, then the commission shall make no award on the claim.

(c) The commission shall have jurisdiction over actions to contest eligibility, qualification, or election to serve as a member of the House of Representatives for the purpose of making a nonbinding recommendation thereon to that chamber of the General Assembly.

(d) The commission shall have jurisdiction over claims to recover reasonable attorney's fees and other litigation expenses reasonably incurred by plaintiffs who substantially prevailed in actions under § 25-19-107 against the State of Arkansas or a department, agency, or institution of the state under the standard described in § 25-19-107(d)(1).

History. Acts 1949, No. 462, § 2; 1983, No. 470, § 2; 1983, No. 677, § 7; A.S.A. 1947, § 13-1402; Acts 1991, No. 1014, § 2; 1997, No. 1298, § 1; 2001, No. 1625, § 1; 2003, No. 1282, § 1; 2003, No. 1468, § 1; 2009, No. 440, § 1.

Amendments. The 2009 amendment added (d).

19-10-212. Reports of agency liability.

A.C.R.C. Notes. Acts 2011, No. 320, § 22, provided: "It is the intent of the General Assembly that when any state agency, board, commission or institution of higher education admits liability to a claim filed with the State Claims Commission and the claim involves a contract with a state agency, board, commission or institution of higher education or the claim exceeds twelve thousand five hundred dollars (\$12,500) that such agency,

board, commission or institution of higher education file a written report thereof to the Litigation Subcommittee of the Legislative Council. Such a report shall include a concise statement of facts with an explanation of the agency's liability. Provided further, such report shall be filed with the Litigation Subcommittee within thirty (30) days after the claim has been adjudicated by the State Claims Commission."

19-10-213. Agency to pay claim.

In the event that any claim authorized herein is determined to be a valid claim against the state and the claim is to be paid from funds not in the State Treasury, the Clerk of the Arkansas State Claims Commission shall notify the agency against which the claim is to be charged of the amount of such claims. Upon receipt of such notification, the state agency shall forthwith deliver a check to the Clerk of the Arkansas State Claims Commission who shall deposit the same as a nonrevenue receipt into the Miscellaneous Revolving Fund from which he or she shall disburse the amount of the claim to the claimant.

History. Acts 1997, No. 850, § 33.

A.C.R.C. Notes. Acts 2011, No. 320, § 18, provided:

“ARKANSAS DEPARTMENT OF HUMAN SERVICES CLAIMS. For any claims in this Act appropriated to the Department of Human Services, the Clerk of the State Claims Commission shall consult with the Department of Human Services and the Chief Fiscal Officer of the State to determine the division and funds to which liability should be assigned and from which the warrants shall be drawn. The Clerk of the State Claims Commission shall initiate the appropriate transfers as may be required and as approved by the Chief Fiscal Officer of the State.”

Acts 2011, No. 320, §19, provided:

“ARKANSAS DEPARTMENT OF HEALTH CLAIMS. For any claims in this Act appropriated to the Department of Health, the Clerk of the State Claims Commission shall consult with the Department of Health and the Chief Fiscal Officer of the State to determine the division and funds to which liability should be assigned and from which the warrants shall be drawn. The Clerk of the State Claims Commission shall initiate the appropriate transfers as may be required and as approved by the Chief Fiscal Officer of the State.”

Acts 2011, No. 320, § 20, provided:

“CLAIMS FROM CASH FUNDS. In the event that any claim authorized herein is determined to be a valid claim against the State and the claim is to be paid from funds not in the State Treasury, the Clerk of the State Claims Commission shall notify the agency against which the claim is to be charged of the amount of such claims. Upon receipt of such notification, the state agency shall forthwith deliver a check to the Clerk of the State Claims

Commission who shall deposit the same as a non-revenue receipt into the Miscellaneous Revolving Fund from which he shall disburse the amount of the claim to the claimant.”

Acts 2011, No. 320, § 21, provided:

“EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission shall not distribute any warrants prepared under the provisions of this Act for awards made by the Arkansas State Claims Commission for employment compensation claims. Upon the award by the State Claims Commission of an employment compensation claim, the Clerk of the State Claims Commission shall notify the affected state agency and the Department of Finance and Administration — Office of Personnel Management of such amounts that are due and payable. The affected state agency shall then process the award through the State Mechanized Payroll System.”

Acts 2011, No. 320, § 22, provided:

“CLAIMS AWARD REPORTING. It is the intent of the General Assembly that when any state agency, board, commission or institution of higher education admits liability to a claim filed with the State Claims Commission and the claim involves a contract with a state agency, board, commission or institution of higher education or the claim exceeds twelve thousand five hundred dollars (\$12,500) that such agency, board, commission or institution of higher education file a written report thereof to the Litigation Subcommittee of the Legislative Council. Such a report shall include a concise statement of facts with an explanation of the agency's liability. Provided further, such report shall be filed with the Litigation Subcommittee within thirty (30) days after the claim has been adjudicated by the State Claims Commission.”

Acts 2011, No. 531, § 4, provided:

“EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission shall not distribute any warrants prepared under the provisions of this Act for awards made by the Arkansas State Claims Commission for employment compensation claims. Upon the award by the State Claims Commission of an employment compensation claim, the Clerk of the State Claims Commission shall notify the affected state agency and the Department of Finance and Administration — Office of Personnel Management of such amounts that are due and payable. The affected state agency shall then process the award through the State Mechanized Payroll System. The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012.

Acts 2011, No. 1092, § 13, provided:

“ARKANSAS DEPARTMENT OF HUMAN SERVICES CLAIMS. For any claims in this Act appropriated to the Department of Human Services, the Clerk of the State Claims Commission shall consult with the Department of Human Services and the Chief Fiscal Officer of the State to determine the division and funds to which liability should be assigned and from which the warrants shall be drawn. The Clerk of the State Claims Commission shall initiate the appropriate transfers as may be required and as approved by the Chief Fiscal Officer of the State.”

Acts 2011, No. 1092, § 14, provided:

“ARKANSAS DEPARTMENT OF HEALTH CLAIMS. For any claims in this Act appropriated to the Department of Health, the Clerk of the State Claims Commission shall consult with the Department of Health and the Chief Fiscal

Officer of the State to determine the division and funds to which liability should be assigned and from which the warrants shall be drawn. The Clerk of the State Claims Commission shall initiate the appropriate transfers as may be required and as approved by the Chief Fiscal Officer of the State.”

Acts 2011, No. 1092, § 15, provided:

“CLAIMS FROM CASH FUNDS. In the event that any claim authorized herein is determined to be a valid claim against the State and the claim is to be paid from funds not in the State Treasury, the Clerk of the State Claims Commission shall notify the agency against which the claim is to be charged of the amount of such claims. Upon receipt of such notification, the state agency shall forthwith deliver a check to the Clerk of the State Claims Commission who shall deposit the same as a non-revenue receipt into the Miscellaneous Revolving Fund from which he shall disburse the amount of the claim to the claimant.”

Acts 2011, No. 1092, § 16, provided:

“EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission shall not distribute any warrants prepared under the provisions of this Act for awards made by the Arkansas State Claims Commission for employment compensation claims. Upon the award by the State Claims Commission of an employment compensation claim, the Clerk of the State Claims Commission shall notify the affected state agency and the Department of Finance and Administration — Office of Personnel Management of such amounts that are due and payable. The affected state agency shall then process the award through the State Mechanized Payroll System.”

19-10-215. Restrictions on awards.

(a) With the exception of death and disability benefit claims paid under § 21-5-701 et seq., no award may be paid in excess of twelve thousand five hundred dollars (\$12,500).

(b) If the award is greater than twelve thousand five hundred dollars (\$12,500), the claim shall be referred to the General Assembly for an appropriation.

History. Acts 1999, No. 1141, § 4; 2003, No. 926, § 4; 2011, No. 320, § 16.

Amendments. The 2011 amendment

substituted “twelve thousand five hundred dollars (\$12,500)” for “ten thousand dollars (\$10,000)” in (a) and (b).

SUBCHAPTER 3 — EFFECT OF INSURANCE COVERAGE

SECTION.

19-10-305. Immunity of state officers and

employees — Status as employee.

19-10-305. Immunity of state officers and employees — Status as employee.

(a) Officers and employees of the State of Arkansas are immune from liability and from suit, except to the extent that they may be covered by liability insurance, for damages for acts or omissions, other than malicious acts or omissions, occurring within the course and scope of their employment.

(b) For purposes of this chapter, agreements between the State of Arkansas and a state of the United States or the District of Columbia entered into pursuant to the Interlocal Cooperation Act, § 25-20-101 et seq., shall confer status of an employee for purposes of this chapter on persons acting pursuant to such agreement.

(c) For purposes of this chapter, persons acting individually or on behalf of charitable organizations, other than motor carriers as defined by § 23-13-203(a)(13), shall have the status of an employee while transporting persons as a service of the Transitional Employment Assistance Program.

(d) For purposes of this chapter, dental residents and faculty of a pediatric dentistry program in an adjoining state shall have the status of an employee while on duty and performing assigned responsibilities in a pediatric dentistry program located within a hospital dental clinic in this state.

History. Acts 1981, No. 586, § 5; A.S.A. 1947, § 13-1420; Acts 1989, No. 989, § 1; 1991, No. 542, § 6; 1993, No. 292, § 1; 1999, No. 1567, § 23; 2009, No. 284, § 1.

Amendments. The 2009 amendment added (d).

CASE NOTES

Employees Held Immune.

Appellees' allegations were conclusory and did not support each cause of action appellees pled against each individually named Arkansas Department of Environmental Quality employee; even with regard to certain emails, appellees' pleadings amounted to bare conclusions of malice. *Ark. Dep't of Env'tl. Quality v. Al-Madhoun*, 374 Ark. 28, 285 S.W.3d 654 (2008).

Because plaintiff inmates made no allegations of willful, wanton, or otherwise malicious conduct on the part of defendant prison officials, much less sufficient factual support to stave off summary judgment, the officials were entitled to sum-

mary judgment on the inmate's state law claims due to statutory immunity under subsection (a) of this section. *Langford v. Norris*, 614 F.3d 445 (8th Cir. 2010).

In an action by a county resident against officials of the Arkansas Game and Fish Commission, alleging that the Commission unconstitutionally entered into gas leases with private companies, the officials were entitled to immunity under subsection (a) of this section because the resident failed to plead that the officials' acts were covered by liability insurance or that those acts were committed maliciously, or that the officials acted outside the scope of their employment in leasing the Commission's land or in utiliz-

ing the revenue from those leases. Further, the amended complaint did not seek any relief from the officials in their individual capacities. *Dockery v. Morgan*, 2011 Ark. 94, — S.W.3d — (2011).

Cited: *Martin v. Hallum*, 2010 Ark. App. 193, — S.W.3d — (2010).

SUBCHAPTER 4 — WORKERS' COMPENSATION COMMISSION

SECTION.

19-10-402. Jurisdiction and procedure.

19-10-402. Jurisdiction and procedure.

(a)(1) The Workers' Compensation Commission shall have exclusive jurisdiction, as limited in this subchapter, of all claims against the State of Arkansas and its several agencies, departments, and institutions for personal injuries and deaths of employees and officers of the State of Arkansas and its agencies, departments, and institutions arising out of and in the course of employment or service.

(2)(A) Awards for these injuries and deaths shall be made by the commission in the same amounts and on the same terms and conditions as if such injuries and deaths had arisen out of and in the course of private employment covered by the Workers' Compensation Law, § 11-9-101 et seq.

(B) The procedure to be followed in the presentation, hearing, and determination of claims shall, in all respects, be the same as in claims for compensation for injuries and deaths arising out of and in the course of private employment covered by the Workers' Compensation Law, § 11-9-101 et seq.

(b) The General Assembly shall at each session appropriate, from such sources as it may see fit, a sum sufficient to satisfy such claims as are or probably will be payable during the following fiscal year under awards made under this section. The commission shall direct the distributions of this fund and make disbursements upon the vouchers issued against it.

History. Acts 1949, No. 462, § 7; 1951, No. 373, § 3; 1963, No. 521, § 1; 1979, No. 597, § 1; A.S.A. 1947, § 13-1407; Acts 2009, No. 962, § 39.

Amendments. The 2009 amendment, in the first sentence of (b), deleted "biennial" preceding "session" and substituted "year" for "biennium."

CHAPTER 11

PURCHASING AND CONTRACTS

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. ARKANSAS PROCUREMENT LAW.
6. FEDERAL GOVERNMENT SURPLUS PROPERTY.
7. ETHICS.
9. PURCHASES OF DISABLED WORK CENTER PRODUCTS AND SERVICES.
10. PROFESSIONAL AND CONSULTANT SERVICES CONTRACTS.

SUBCHAPTER

11. PURCHASE OF TECHNOLOGY SYSTEMS.

13. PARTIAL EQUITY OWNERSHIP AGREEMENT EXECUTED BY A STATE RETIREMENT SYSTEM.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

19-11-105. Illegal immigrants — Prohibition — Public contracts for services.

SECTION.

19-11-106. Contracting goals for service-disabled veterans.

19-11-105. Illegal immigrants — Prohibition — Public contracts for services.

(a) As used in this section:

(1) "Contractor" means a person having a public contract with a state agency for professional services, technical and general services, or any category of construction in which the total dollar value of the contract is twenty-five thousand dollars (\$25,000) or greater;

(2) "Exempt agency" means the constitutional departments of the state, the elected constitutional offices of the state, the General Assembly, including the Legislative Council and the Legislative Joint Auditing Committee and supporting agencies and bureaus thereof, the Arkansas Supreme Court, the Court of Appeals, circuit courts, prosecuting attorneys, and the Administrative Office of the Courts;

(3) "Illegal immigrant" means any person not a citizen of the United States who has:

(A) Entered the United States in violation of the federal Immigration and Nationality Act of 1952, 8 U.S.C. § 1101 et seq., or regulations issued under the act;

(B) Legally entered the United States but without the right to be employed in the United States; or

(C) Legally entered the United States subject to a time limit but has remained illegally after expiration of the time limit;

(4) "Professional services contract" means a contract between a state agency and a contractor in which:

(A) The relationship between the contractor and the state agency is that of an independent contractor rather than that of an employee;

(B) The services to be rendered consist of the personal services of an individual that are professional in nature;

(C) The state agency does not have direct managerial control over the day-to-day activities of the individual providing the services;

(D) The contract specifies the results expected from the rendering of the services rather than detailing the manner in which the services shall be rendered; and

(E) Services rendered under a professional services contract are rendered to the state agency itself or to a third-party beneficiary;

(5) "Public contract for services" means any type of agreement between a state agency and a contractor for the procurement of services and all categories of construction with a state agency in which the total

dollar value of that contract is twenty-five thousand dollars (\$25,000) or greater;

(6)(A) "State agency" means any agency, institution, authority, department, board, commission, bureau, council, or other agency of the state supported by appropriation of state or federal funds, except an exempt agency under subdivision (a)(7)(B) of this section.

(B) "State agency" includes an exempt agency when any agency or exempt agency procures any item subject to Arkansas Constitution, Amendment 54; and

(7)(A) "Technical and general services" means:

(i) Work accomplished by skilled individuals involving time, labor, and a degree of expertise in which performance is evaluated based upon the quality of the work and the results produced;

(ii) Work performed to meet a demand, including without limitation work of a recurring nature that does not necessarily require special skills or extensive training; or

(iii) The furnishing of labor, time, or effort by a contractor or vendor, not involving the delivery of any specific end product other than reports that are incidental to the required performance.

(B) "Technical and general services" shall not be construed to include the procurement of professional services under § 19-11-801 et seq.

(b) No state agency may enter into or renew a public contract for services with a contractor who knows that the contractor or a subcontractor employs or contracts with an illegal immigrant to perform work under the contract.

(c) Before executing a public contract, each prospective contractor shall certify in a manner that does not violate federal law in existence on January 1, 2007, that the contractor at the time of the certification does not employ or contract with an illegal immigrant.

(d)(1) If a contractor violates this section, the state shall require the contractor to remedy the violation within sixty (60) days.

(2)(A) If the contractor does not remedy the violation within the sixty (60) days specified under subdivision (d)(1) of this section, the state shall terminate the contract for breach of the contract.

(B) If the contract is terminated under subdivision (d)(2)(A) of this section, the contractor shall be liable to the state for actual damages.

(e)(1)(A) If a contractor uses a subcontractor at the time of certification, the subcontractor shall certify in a manner that does not violate federal law in existence on January 1, 2007, that the subcontractor at that time of certification does not employ or contract with an illegal immigrant.

(B) A subcontractor shall submit the certification required under subdivision (e)(1)(A) of this section within thirty (30) days after the execution of the subcontract.

(2) The contractor shall maintain on file the certification of the subcontractor throughout the duration of the term of the contract.

(3) If the contractor learns that a subcontractor is in violation of this section, the contractor may terminate the contract with the subcontractor.

tor, and the termination of the contract for a violation of this section shall not be considered a breach of the contract by the contractor and subcontractor.

History. Acts 2007, No. 157, § 1; 2009, No. 251, § 27. U.S.C. 1101 et seq.” for “Naturalization” in (a)(3)(A), and made related and minor stylistic changes.

Amendments. The 2009 amendment substituted “Nationality Act of 1952, 8

19-11-106. Contracting goals for service-disabled veterans.

- (a) As used in this section:
 - (1) “Service-disabled veteran” means any individual who:
 - (A) Is at least thirty-percent (30%) disabled as a result of military service and is designated as such by the United States Department of Veterans Affairs; and
 - (B) Has been a resident of the State of Arkansas for at least two (2) years; and
 - (2) “Business of a service-disabled veteran” means a business that:
 - (A) Not less than fifty-one percent (51%) of which is owned by one (1) or more service-disabled veterans;
 - (B) The management and daily business operations of which are controlled by one (1) or more service-disabled veterans; and
 - (C) Has been certified as a business of a service-disabled veteran by the Division of Minority Business Enterprise of the Arkansas Economic Development Commission under the Minority Business Economic Development Act, § 15-4-301 et seq.
- (b)(1) All state agencies shall attempt to ensure that five percent (5%) of the total amount expended in state-funded and state-directed public construction programs and in the purchase of goods and services for the state each fiscal year is paid to businesses of service-disabled veterans.
- (2) This subsection shall not be construed as establishing a preference in contracting with businesses of service-disabled veterans.

History. Acts 2011, No. 882, § 1.

SUBCHAPTER 2 — ARKANSAS PROCUREMENT LAW

SECTION.

- 19-11-203. Definitions generally.
- 19-11-220. Agency procurement officials.
- 19-11-244. Resolution of protested solicitations and awards.

SECTION.

- 19-11-265. Submission of contracts required.

Effective Dates. Acts 2009, Nos. 605 and 606, § 27: Mar. 25, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the people of the

State of Arkansas overwhelmingly approved the establishment of lotteries at the 2008 General Election; that lotteries will provide funding for scholarships to the citizens of this state; that the failure

to immediately implement this act will cause a reduction in lottery proceeds that will harm the educational and economic success of potential students eligible to receive scholarships under the act; and that the state lotteries should be implemented as soon as possible to effectuate the will of the citizens of this state and implement lottery-funded scholarships as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2009, No. 1211, § 3: Apr. 7, 2009. Emergency clause provided "It is found and determined by the General Assembly of the State of Arkansas that a partial equity ownership agreement is fundamentally and substantially different than a state contract for commodities, technical and general services, and professional and consultant services that are procured under the Arkansas Procurement Law § 19-11-201 et seq., and other contracts cur-

rently procured under Arkansas Code, Title 19, Chapter 11; that frugal investment practices often require a minimum duration of ten (10) years or more for the interest to mature; that a partial equity ownership agreement is necessary for certain size trust funds to fulfill the requirements of the prudent investor rule; that a partial equity ownership agreement should be subject to a procurement process that is unique to the partial equity ownership agreement; that currently there is a lack of clarification in the law regarding a proper review process for partial equity ownership agreements; and that this new section will resolve the issue with the intent to preserve the review process for a partial equity ownership agreement and allow flexibility in the review for a narrow and clearly defined exception. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

19-11-203. Definitions generally.

As used in this subchapter:

(1)(A) "Agency procurement official" means any person authorized by a state agency to enter into and administer contracts and make written determinations and findings with respect to contracts, in accordance with procedures prescribed by this subchapter and the regulations promulgated under it.

(B) "Agency procurement official" also includes an authorized representative acting within the limits of authority;

(2) "Business" means any corporation, partnership, individual, sole proprietorship, joint-stock company, joint venture, or any other legal entity;

(3)(A) "Capital improvement" means all lands, buildings, structures, utilities, on-site and off-site improvements, and other appurtenant improvements, existing or future, and all construction, repairs, alterations, and renovations thereof which are undertaken, owned, operated, or otherwise managed by a state agency.

(B) "Capital improvement" shall not include construction and reconstruction of roads and bridges in the state highway system by the State Highway Commission, nor shall "capital improvement" include any building, facility, plant, structure, or other improvement constructed by, or in behalf of, the Arkansas State Highway and Transportation Department or the State Highway Commission;

(4) "Commodities" means all property, including, but not limited to, equipment, printing, stationery, supplies, and insurance, but excluding leases on real property, real property, or a permanent interest in real property, exempt commodities and services, and capital improvements;

(5)(A) "Contract" means all types of state agreements, regardless of what they may be called, for the purchase of commodities and services and for the disposal of surplus commodities and services not otherwise exempt.

(B)(i) "Contract" includes awards and notices of award, contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type, contracts providing for the issuance of job or task orders, leases, letter contracts, and purchase orders.

(ii) "Contract" also includes supplemental agreements with respect to any of these items.

(iii) "Contract" does not include a partial equity ownership agreement as defined under § 19-11-1301 et seq.;

(6) "Contract modification" means any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract;

(7) "Contractor" means any person having a contract with a state agency;

(8) "Data" means recorded information, regardless of form or characteristic;

(9) "Debarment" means the disqualification of a person to receive invitations for bids or requests for proposals or the award of a contract by the state for a specified period of time commensurate with the seriousness of the offense or the failure or the inadequacy of performance;

(10) "Designee" means a duly authorized representative of a person holding a superior position;

(11) "Electronic" means electrical, digital, magnetic, optical, or any other similar technology;

(12) "Employee" means an individual drawing a salary from a state agency, whether elected or not, and any nonsalaried individual performing personal services for any agency;

(13) "Exempt agencies" means the constitutional departments of the state, the elected constitutional offices of the state, the General Assembly, including the Legislative Council and the Legislative Joint Auditing Committee and supporting agencies and bureaus thereof, the Arkansas Supreme Court, the Court of Appeals, circuit courts, prosecuting attorneys, and the Administrative Office of the Courts;

(14) "Exempt commodities and services" means:

(A) Advertising in newspapers, periodicals, and related publications and on television, radio, billboards, and electronic media;

(B) Animals procured for medical research;

(C)(i) Commodities and services for use in research, education, and treatment for the diagnosis, cure, and prevention of disease, which may be procured with administrative approval through a group purchasing entity serving other public health institutions when substantial savings are available.

(ii) A report shall be filed annually with the Division of Legislative Audit reflecting the justification of and the estimated savings accruing due to the use of this exemption;

(D)(i) Commodities procured for resale in cafeterias, commissaries, bookstores, gift shops, canteens, and other similar establishments.

(ii) However, these commodities procured shall not be sold or transferred to any agency with the intent of circumventing applicable procurement procedures;

(E)(i) Contracts awarded by agencies for the construction of buildings and facilities and for major repairs.

(ii) These contract exemptions shall not extend to the procurement of any commodities not otherwise exempt that are to be furnished by the agency under any such contract;

(F) Contracts awarded by the Arkansas State Highway and Transportation Department for the construction, reconstruction, and maintenance of roads and bridges in the state highway system and for the county, rural road aid, and city street aid programs;

(G)(i) Farm products procured or sold by a state agency having an agency procurement official.

(ii) The current trade customs with respect to the procurement or sale of cotton, cotton seed, rice, and other farm products shall be followed when it is necessary to obtain the best price for the commodities procured or sold;

(H) Fees, including medical fees and physician fees;

(I) Foster care maintenance services provided by foster family homes approved by the Division of Children and Family Services of the Department of Human Services for children whose placement and care are the responsibility of the Division of Children and Family Services of the Department of Human Services;

(J) Freight and storage charges and demurrage;

(K) Licenses required prior to performance of services;

(L)(i) Livestock procured by an agency having an official experienced in selection and procurement of livestock.

(ii) Such procurement will be reported to the State Procurement Director, giving details of the purchase;

(M) Livestock procured for breeding, research, or experimental purposes;

(N) Maintenance on office machines and technical equipment;

(O) Medical items specifically requested by a physician for treatment or diagnosis of patients in his or her care, including prosthetic

devices, surgical instruments, heart valves, pacemakers, radioisotopes, and catheters;

(P) Membership in professional, trade, and other similar associations;

(Q) Perishable foodstuffs for immediate use or processing;

(R) Postage;

(S) Published books, manuals, maps, periodicals, films, technical pamphlets, and copyrighted educational aids for use in libraries and for other informational or instructional purposes in instances in which other applicable law does not provide a restrictive means for the acquisition of these materials;

(T) Services of visiting speakers, lecturers, and performing artists;

(U) Taxes;

(V) Travel expense items such as room and board and transportation charges;

(W) Utility services or equipment that is defined, recognized, and regulated by the Arkansas Public Service Commission as a monopoly offering;

(X) Works of art for museum and public display;

(Y) Capital improvements valued at less than twenty thousand dollars (\$20,000), subject to minimum standards and criteria of the Arkansas Building Authority;

(Z) Services related to work force development, incumbent work force training, or specialized business or industry training;

(AA) Major procurement contracts of the Arkansas Lottery Commission under § 23-115-103; and

(BB) The following commodities and services relating to proprietary software after the initial procurement:

(i) Technical support;

(ii) Renewals;

(iii) Additional copies; and

(iv) License upgrades;

(15)(A)(i) "Grant" means the furnishing by the state of assistance, whether financial or otherwise, to any person to support a program authorized by law.

(ii) "Grant" does not include an award whose primary purpose is to procure an end product, whether in the form of commodities or services.

(B) A contract resulting from such an award is not a grant but a procurement contract;

(16) "May" means the permissive;

(17) "Paper product" means any item manufactured from paper or paperboard;

(18) "Person" means any business, individual, union, committee, club, or other organization or group of individuals;

(19) "Political subdivisions" means counties, municipalities, and school districts;

(20)(A) "Procurement" means the buying, purchasing, renting, leasing, or otherwise obtaining of any commodities or services.

(B) "Procurement" also includes all functions that pertain to the obtaining of any public procurement, including description of requirements, selection and solicitation of sources, preparation and award of contract, disposal of commodities, and all phases of contract administration;

(21) "Procurement agency" means any state agency that is authorized by this subchapter, by implementing regulations, or by way of delegation from the State Procurement Director to contract on its own behalf rather than through the central contracting authority of the State Procurement Director;

(22)(A) "Procurement agent" means any person authorized by a state agency not having an agency procurement official to enter into and administer contracts and make written determinations and findings with respect to contracts, in accordance with procedures prescribed by this subchapter.

(B) "Procurement agent" also includes an authorized representative acting within the limits of authority;

(23)(A) "Public funds" means all state-appropriated and cash funds of state agencies, as defined by applicable law or official ruling. "Public funds" as used in this subchapter shall not include funds administered by, or under the control of, agencies, except public funds.

(B) Without necessarily being limited thereto, "public funds" does not include grants, donations, research contracts, and revenues derived from self-supporting enterprises which are not operated as a primary function of the agency, no part of which funds are deposited into the State Treasury;

(24) "Public notice" means the distribution or dissemination of information to interested parties using methods that are reasonably available. Such methods will often include publication in newspapers of general circulation, electronic or paper mailing lists, and websites designated by the State of Arkansas and maintained for that purpose;

(25)(A) "Purchase request" means that document, written or electronic, in which a using agency requests that a contract be obtained for a specified need.

(B) "Purchase request" may include, but is not limited to, the technical description of the requested item, delivery schedule, transportation, criteria for evaluation of solicitees, suggested sources of supply, and information supplied for the making of any written or electronic determination and finding required by this subchapter;

(26) "Recycled paper" means paper which contains recycled fiber in a proportion specified by the State Procurement Director;

(27)(A) "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance.

(B) "Services" shall not include employment agreements, collective bargaining agreements, exempt commodities and services, or archi-

tectural or engineering contracts requiring approval of the Arkansas Building Authority or higher education;

(28) "Shall" means the imperative;

(29) "Signature" means a manual, an electronic, or a digital method executed or adopted by a party with the intent to be bound by or to authenticate a record which is:

(A) Unique to the person using it;

(B) Capable of verification;

(C) Under the sole control of the person using it; and

(D) Linked to data in such a manner that if the data are changed, the electronic signature is invalidated;

(30)(A) "State agency" means any agency, institution, authority, department, board, commission, bureau, council, or other agency of the state supported by appropriation of state or federal funds, except an exempt agency pursuant to subdivision (13) of this section.

(B) "State agency" includes an exempt agency when any agency or exempt agency procures any item subject to Arkansas Constitution, Amendment 54;

(31)(A) "State contract" means a contract for the procurement of commodities or services in volume, awarded by the State Procurement Director.

(B) The contract may apply to all or part of the state;

(32) "State Procurement Director" means the person holding the position created in § 19-11-216, as the head of the Office of State Procurement;

(33) "Suspension" means the disqualification of a person to receive invitations for bids, requests for proposals, or the award of a contract by the state for a temporary period pending the completion of an investigation and any legal proceedings that may ensue because a person is suspected upon probable cause of engaging in criminal, fraudulent, or seriously improper conduct or failure or inadequacy of performance, which may lead to debarment;

(34)(A) "Technical and general services" means:

(i) Work accomplished by skilled individuals involving time, labor, and a degree of expertise, in which performance is evaluated based upon the quality of the work and the results produced;

(ii) Work performed to meet a demand, including, but not limited to, work of a recurring nature that does not necessarily require special skills or extensive training; or

(iii) The furnishing of labor, time, or effort by a contractor or vendor, not involving the delivery of any specific end product other than reports that are incidental to the required performance.

(B) "Technical and general services" shall not be construed to include the procurement of professional services under § 19-11-801 et seq.;

(35) "Using agency" means any state agency which utilizes any commodities or services purchased under this subchapter; and

(36) "Written" or "in writing" means the product of any method of forming characters on paper, other materials, or viewable screens,

which can be read, retrieved, and reproduced, including information that is electronically transmitted and stored.

History. Acts 1979, No. 482, § 12; 1981, No. 600, §§ 1-5; A.S.A. 1947, § 14-240; Acts 1987, No. 983, § 1; 1991, No. 128, § 1; 1991, No. 749, § 2; 1991, No. 1018, § 1; 1999, No. 1398, § 27; 2001, No. 961, § 7; 2001 No. 1237, § 2; 2001 No. 1568, § 1; 2003, No. 487, § 1; 2003, No. 1315, §§ 4-7; 2005, No. 1680, § 1; 2007, No. 478, § 2; 2009, No. 251, § 28; 2009, No. 605, § 20; 2009, No. 606, § 20; 2009, No. 1211, § 1; 2011, No. 794, § 1.

Amendments. The 2009 amendment by No. 251 deleted (14)(E) and redesignated the subsequent subdivisions accordingly.

The 2009 amendment by identical acts Nos. 605 and 606 inserted (14)(AA) and made related changes.

The 2009 amendment by No. 1211 inserted (5)(B)(iii) and made a related change.

The 2011 amendment added (14)(BB).

19-11-220. Agency procurement officials.

(a) In addition to any state agency authorized by regulation to have an agency procurement official, each of the following state agencies may elect to have such an official for commodities, technical and general services, and professional and consultant services, which are not within the exclusive jurisdiction of the State Procurement Director and which are not under state contract:

- (1) Arkansas State Highway and Transportation Department;
- (2) Arkansas Lottery Commission;
- (3) Arkansas State University-Beebe;
- (4) Arkansas State University;
- (5) Arkansas State University System;
- (6) Arkansas Tech University;
- (7) Henderson State University;
- (8) Southern Arkansas University;
- (9) University of Arkansas at Fayetteville;
- (10) University of Arkansas Fund entities;
- (11) University of Arkansas at Little Rock;
- (12) University of Arkansas at Monticello;
- (13) University of Arkansas at Pine Bluff;
- (14) University of Arkansas for Medical Sciences;
- (15) University of Central Arkansas;
- (16) Arkansas State University-Mountain Home;
- (17) Arkansas State University-Newport;
- (18) Black River Technical College;
- (19) Cossatot Community College of the University of Arkansas;
- (20) East Arkansas Community College;
- (21) National Park Community College;
- (22) Arkansas Northeastern College;
- (23) Mid-South Community College;
- (24) North Arkansas College;
- (25) Northwest Arkansas Community College;
- (26) Ouachita Technical College;
- (27) Ozarka College;
- (28) Phillips Community College of the University of Arkansas;

- (29) University of Arkansas Community College at Morrilton;
- (30) Pulaski Technical College;
- (31) Rich Mountain Community College;
- (32) SAU-Tech;
- (33) Southeast Arkansas College;
- (34) South Arkansas Community College;
- (35) University of Arkansas Community College at Batesville;
- (36) University of Arkansas Community College at Hope;
- (37) University of Arkansas at Fort Smith; and
- (38) Department of Higher Education.

(b)(1) Each official shall manage and establish internal procedures for the procurement office of the state agency authorized to have the official to ensure adequate administrative procedures and controls pursuant to law and the procurement regulations.

(2)(A) Approval by the Office of State Procurement of contracts administered by the official shall not be required, unless a determination has been made by the Director of the Department of Finance and Administration that administrative procedures and controls are not adequate.

(B)(i) Such determination shall result in notification by the Director of the Department of Finance and Administration of the specific deficiencies and the reasons therefor.

(ii) After the notification, approval of contracts by the Office of State Procurement shall be required until the Director of the Department of Finance and Administration determines that the deficiencies have been corrected.

(c) Except for the promulgation by the State Procurement Director of rules and regulations authorized in this subchapter and the letting of state contracts, all rights and practices granted herein to the Office of State Procurement and the State Procurement Director are granted to an official in the administration of contracts for the state agency authorized to have the official.

(d) Nothing in this section is intended to prohibit a state agency from utilizing the Office of State Procurement in the same manner as state agencies not authorized to have officials.

History. Acts 1979, No. 482, § 19; 1981, No. 600, §§ 7, 8; A.S.A. 1947, § 14-247; Acts 1991, No. 1018, § 3; 2001, No. 1237, § 12; 2005, No. 1680, § 2; 2009, No. 605, § 21; 2009, No. 606, § 21.

Amendments. The 2009 amendment by identical acts Nos. 605 and 606 inserted (a)(2) and redesignated the subsequent subdivisions accordingly.

19-11-244. Resolution of protested solicitations and awards.

(a)(1) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation of a contract may protest by presenting a written notice at least seventy-two (72) hours before the filing deadline for the solicitation response to the State Procurement Director or the head of a procurement agency.

(2) Any actual bidder, offeror, or contractor who is aggrieved in connection with the award of a contract may protest to the:

(A) Director; or

(B) Head of a procurement agency.

(3) The protest shall be submitted in writing within fourteen (14) calendar days after the aggrieved person knows or should have known of the facts giving rise to the grievance.

(b)(1) Prior to the commencement of an action in court or any other action provided by law concerning the controversy, the director, the head of a procurement agency, or a designee of either officer may settle and resolve a protest concerning the solicitation or award of a contract.

(2) This authority shall be exercised in accordance with laws governing the Arkansas State Claims Commission and the regulations promulgated by the director.

(c)(1) If the protest is not resolved by mutual agreement, and after reasonable notice to the protestor involved and reasonable opportunity for the protestor to respond to the protest issues according to the regulations promulgated by the director, the head of a procurement agency, the director, or a designee of either officer shall promptly issue a decision in writing.

(2) The decision shall state the reasons for the action taken.

(d) A copy of the decision under subsection (c) of this section shall be mailed or otherwise furnished within five (5) days after it is written to the protestor and any other party intervening.

(e) A decision under subsection (c) of this section shall be final and conclusive.

(f) In the event of a timely protest under subsection (a) of this section, the state shall not proceed further with the solicitation or with the award of the contract until the director or the head of a procurement agency makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the state.

(g) When the protest is sustained and the successfully protesting bidder or offeror was denied the contract award, the protesting bidder or offeror may be entitled to the reasonable costs incurred in connection with the solicitation, including bid preparation costs, through the commission.

History. Acts 1979, No. 482, § 57; A.S.A. 1947, § 14-276; Acts 2001, No. 1237, § 34; 2003, No. 487, § 7; 2005, No. 1680, § 10; 2009, No. 677, § 1.

Amendments. The 2009 amendment, in (a), deleted "or award" following "solicitation" and inserted "by presenting a written notice at least seventy-two (72) hours

before the filing deadline for the solicitation response" in (a)(1), inserted (a)(2), and redesignated the subsequent subdivision accordingly; deleted "of an aggrieved bidder, offeror, or contractor, actual or prospective" in (b)(1); and made a related change.

19-11-265. Submission of contracts required.

(a)(1) All contracts for technical and general services, except for those that are specifically exempt from review, requiring the service of an individual or individuals for regular full-time or part-time weekly work in the areas of information technology, the actual delivery of health care or human services or educational services shall be presented to the Legislative Council or to the Joint Budget Committee, if the General Assembly is in session, before the execution date of the contract if the total contract amount exceeds one hundred thousand dollars (\$100,000).

(2) The Legislative Council or the Joint Budget Committee shall provide the State Procurement Director with their review as to the propriety of the contract within thirty (30) days after receipt of the proposed contract.

(3) The contract shall not be submitted to the Legislative Council or to the Joint Budget Committee until the Office of State Procurement has reviewed the contract and provided the Legislative Council or the Joint Budget Committee with a recommendation regarding the legality of the contract.

(b) The Legislative Council or the Joint Budget Committee may review or exempt from review any contract or group of contracts contemplated by this section.

(c)(1)(A) In addition to the contracts for technical and general services that are presented to the Legislative Council or to the Joint Budget Committee under subsection (a) of this section, the director shall compile a monthly report of each commodities contract that includes services and has a projected total cost of two hundred fifty thousand dollars (\$250,000) or more.

(B) The director shall include in the monthly report under subdivision (c)(1)(A) of this section a commodities contract that is procured by a state agency with an agency procurement official.

(2) The monthly report shall include without limitation:

(A) The name of the contractor if the commodities contract is a state contract;

(B) The state agency name if the commodities contract is procured by a state agency with an agency procurement official;

(C) The contact information for the contractor or state agency;

(D) The total cost of the contract, the cost of the commodities, and the cost of the services;

(E) The type of commodity or commodities and services contracted;

(F) The quantity of the commodity or commodities contracted; and

(G) The procurement method.

(3) The director shall remit the report each month to the Legislative Council or to the Joint Budget Committee as directed by the Legislative Council.

(4) The Legislative Council or the Joint Budget Committee may review or may exempt from review any commodities contract or group of commodities contracts under this subsection.

History. Acts 2007, No. 870, § 1; 2009, No. 396, § 1.

Amendments. The 2009 amendment inserted (c).

SUBCHAPTER 6 — FEDERAL GOVERNMENT SURPLUS PROPERTY

SECTION.

- 19-11-601. Authority to transfer to state and local agencies.
19-11-602. Purchase for schools and school districts.

SECTION.

- 19-11-603. Service charge.
19-11-604. Rural water associations.

A.C.R.C. Notes. Acts 2009, No. 1187, § 1, provided: “(a) Effective July 1, 2009, the authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the Federal Surplus Property program operated under Pub. L. No. 81-152 and Pub. L. No. 81-754 shall be transferred as a type 2 transfer, under § 25-2-105 from the Arkansas Department of Workforce Education to the Arkansas Department of Emergency Management.

“(b) For purposes of this act, the Arkansas Department of Emergency Management shall be considered a principal de-

partment established by Acts 1971, No. 38.”

Effective Dates. Acts 2009, No. 1187, § 6: July 1, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that for the efficient operation of state and local government this act is immediately necessary to facilitate the cooperation with the federal government in the transfer of surplus property to state and local agencies and departments. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009.”

19-11-601. Authority to transfer to state and local agencies.

(a) The Arkansas Department of Emergency Management is authorized to cooperate with the federal government in the transfer of government surplus property to any and all departments and agencies of state and local government and to any and all other agencies eligible to receive surplus property under Pub. L. No. 81-152 and Pub. L. No. 81-754, and any and all other statutory laws that may be enacted by the Congress of the United States covering the disposal of federal government surplus property.

(b) The department is authorized to take any and all action necessary to the proper administration of the surplus property program in the acquisition of and the distribution of government surplus properties to eligible claimants in this state, distribution to be in accordance with the appropriate controlling federal statutes.

(c) The department is authorized to add to the cost of the properties an amount necessary to defray the expenses of this service.

History. Acts 1951, No. 353, §§ 1-3; A.S.A. 1947, §§ 80-135.2 — 80-135.4; Acts 2009, No. 1187, § 2.

Amendments. The 2009 amendment substituted “Arkansas Department of

Emergency Management” for “State Board of Education” in (a); and substituted “department” for “state board” in (b) and (c).

19-11-602. Purchase for schools and school districts.

(a) The Arkansas Department of Emergency Management is authorized to purchase surplus commodities, materials, supplies, equipment, and other property from the federal government through any of its agencies for tax-supported schools and for school districts in Arkansas. The department is authorized to cooperate with the State Procurement Director in the purchase of school items.

(b) Schools and school districts desiring to obtain federal surplus materials, equipment, etc., shall make application to the department on blanks furnished by the board for that purpose.

(c) Schools and school districts making application to the department to purchase surplus materials, equipment, and other property from the federal government shall pay cash for it by drawing a voucher or warrant in favor of the federal government for the purchase price of such materials.

History. Acts 1945, No. 303, §§ 1-3; 1953, No. 384, § 17 [18]; A.S.A. 1947, §§ 80-132—80-134; Acts 2009, No. 1187, § 3.

Amendments. The 2009 amendment

substituted “Arkansas Department of Emergency Management” for “State Board of Education” in (a); and substituted “department” for “state board” in (a), (b), and (c).

19-11-603. Service charge.

(a) The Arkansas Department of Emergency Management is authorized to add to the cost of surplus properties secured by the agency for surplus property an amount necessary to defray the expense of this service and to repay into the Revolving Loan Fund loans made to the agency as provided in this section.

(b) The department is also authorized to establish service charges in such amounts as may be necessary to cover the expenses of the department in administering special federal service programs for schools and agencies. These charges are to be paid by the school, institution, or agency in the amount designated by the department.

(c) The department is authorized and directed to take such action as is necessary to collect such charges and may, in its discretion, withhold from any state moneys over which the department has control funds necessary to pay the amounts owing by such school districts and agencies.

(d) It is the intention of the General Assembly that the schools and agencies shall pay for such services amounts sufficient to reimburse the department for expenses incurred in the operation of the federal surplus property program and in the operation of special federal service programs.

History. Acts 1959, No. 357, § 12; A.S.A. 1947, § 80-135.1; Acts 2009, No. 1187, § 4.

Amendments. The 2009 amendment substituted "Arkansas Department of

Emergency Management" for "State Board of Education" in (a); substituted "department" for "state board" in five places in (b) and (c); and made a minor stylistic change in (b).

19-11-604. Rural water associations.

Rural water associations shall be deemed eligible to participate in the federal surplus property program operated under Pub. L. No. 81-152 and Pub. L. No. 81-754 as now administered by the Arkansas Department of Emergency Management.

History. Acts 1988, (3rd Ex. Sess.), No. 7, § 2; 2009, No. 1187, § 5.

Amendments. The 2009 amendment inserted "operated under Pub. L. No. 81-152 and Pub. L. No. 81-754" and substituted

"Arkansas Department of Emergency Management" for "Vocational and Technical Education Division of the Department of Education, or any successor agency."

SUBCHAPTER 7 — ETHICS

SECTION.

19-11-717. State-supported institutions of higher education.

19-11-717. State-supported institutions of higher education.

(a)(1) Notwithstanding anything in this subchapter to the contrary, if, in either of the events in subdivisions (a)(1)(A) and (B) of this section, the contract or subcontract, solicitation, or proposal involves patents, copyrights, or other proprietary information in which a state-supported institution of higher education and an employee or former employee of the state-supported institution of higher education have rights or interests, provided that a contract or subcontract shall be approved by the governing board of the state-supported institution of higher education in a public meeting, it shall not be a violation of § 19-11-709, a conflict of interest, or a breach of ethical standards for:

(A) The state-supported institution of higher education to contract with a person or firm in which an employee or former employee of the state-supported institution of higher education has a financial interest; or

(B) The employee or former employee of the state-supported institution of higher education to participate directly or indirectly in a matter pertaining to a contract, subcontract, solicitation, or proposal for a contract or subcontract between a state-supported institution of higher education and a person or firm in which the employee or former employee has a financial interest.

(2)(A) Within thirty (30) days of the approval by the governing board of a state-supported institution of higher education of a contract, subcontract, solicitation, or proposal executed under subdivision (a)(1) of this section, the state-supported institution of higher education shall file a summary of the contract, subcontract, solicitation, or

proposal with the president of the state-supported institution of higher education.

(B) Failure to file the required summary with the president of the state-supported institution of higher education as required under subdivision (a)(2)(A) of this section renders the contract null and void.

(b)(1) Nothing in the Arkansas Procurement Law, § 19-11-201 et seq., or in § 19-11-1001 et seq. shall prevent a state agency from contracting for goods or services, including professional or consultant services, with an organization that employs or contracts with a regular, full-time, or part-time employee of a state-supported institution of higher education in situations in which the employee of the state-supported institution of higher education will provide some or all of the goods or services under the contract.

(2) An organization or state agency entering into a contract described under this subsection shall comply with the Arkansas Procurement Law, § 19-11-201 et seq., and § 19-11-1001 et seq. to the extent that the Arkansas Procurement Law, § 19-11-201 et seq., and § 19-11-1001 et seq. do not conflict with this section.

(3) An employee of a state-supported institution of higher education who provides goods or services to a state agency through his or her association with an organization that has a contract with the state agency to provide goods or services shall obtain the requisite approvals under the policies of the state-supported institution of higher education by which he or she is employed and comply with all provisions of this subchapter.

(c)(1) No later than January 31 each year, an employee or former employee contracting or receiving benefits under this section shall file with the Secretary of State on a form provided by the Secretary of State a disclosure of the type and amount of the contract or benefits received during the previous year.

(2) Failure to file the required form with the Secretary of State as required under subdivision (c)(1) of this section is a breach of ethical standards.

History. Acts 1989, No. 875, § 1; 2005, No. 949, § 1; 2009, No. 735, § 1.

Amendments. The 2009 amendment subdivided (a), inserted "state-supported" preceding the first instance of "institution of higher education" in (a)(1), substituted "state-supported institution of higher education" for "institution" throughout (a),

and inserted (a)(2); substituted "state-supported" for "public" throughout (b), and substituted "Arkansas Procurement Law, § 19-11-201 et seq., and § 19-11-1001 et seq." for "provisions" in (b)(2); added (c); and made related and minor stylistic changes.

SUBCHAPTER 8 — PROCUREMENT OF PROFESSIONAL SERVICES

19-11-801. Policy — Definitions.

Cross References. Projects exceeding two million dollars, § 14-58-1001.

SUBCHAPTER 9 — PURCHASES OF DISABLED WORK CENTER PRODUCTS AND SERVICES

SECTION.

19-11-902. Rules.

19-11-902. Rules.

(a) The Office of State Procurement shall be responsible for developing rules governing implementation of this subchapter.

(b) As used in this subchapter:

(1) "Commodities" means all property, including without limitation equipment, printing, stationery, supplies, and insurance, but excluding real property, leases on real property, or a permanent interest in real property;

(2) "Fiscal year" means July 1 of one (1) year through June 30 of the next year;

(3) "Individuals with disabilities" means those persons who have a medically or psychiatrically determined physical, mental, or developmental disability constituting a substantial vocational handicap;

(4) "Ordering office" means any state department, independent establishment, board, commission, bureau, service, or division of state government and any wholly owned state corporation;

(5) "Products", for purposes of this subchapter, means commodities or services wherein the price of the commodities includes at least twenty percent (20%) value added when the work center is awarded a contract using the ten percent (10%) preference, and in the case of services, that they are performed by individuals with disabilities;

(6)(A) "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance.

(B) "Services" shall not include employment agreements, collective bargaining agreements, or architectural or engineering contracts requiring approval of the Arkansas Building Authority;

(7) "Sheltered workshop" means a work center which has:

(A) Certification from the United States Department of Labor as a sheltered workshop; and

(B) Been licensed by the Division of Developmental Disabilities Services of the Department of Human Services or certification from Arkansas Rehabilitation Services;

(8)(A) "Work center" means any facility certified by the Arkansas Rehabilitation Services where any manufacture or handiwork is carried on and which is operated for the primary purpose of providing evaluation, training, and gainful employment to individuals with disabilities of Arkansas:

(i) As an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market; or

(ii) During such time as employment opportunities for them in the competitive labor market do not exist.

(B) "Work center" includes without limitation:

(i) A sheltered work center; and

(ii) A work center for the blind; and

(9) "Work center for the blind" means a facility certified by the Division of State Services for the Blind of the Department of Human Services where any manufacture, handiwork, or provision of services is carried on and that is operated to provide evaluation, training, and gainful employment to individuals in the State of Arkansas eligible for services from the Division of State Services for the Blind:

(A) As an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market;

(B) During such time as employment opportunities for individuals in the State of Arkansas eligible for service from the Division of State Services for the Blind in the competitive labor market do not exist; or

(C) For whom such placement represents informed choice as appropriate employment at a competitive wage.

(c) All state agencies as defined in § 19-11-203 are required to purchase their requirements of needed available and suitable products and purchase suitable services from nonprofit work centers for individuals with disabilities, unless such commodities and services are authorized by prior legislation for production in another state agency, department, or institution.

(d)(1) The Office of State Procurement shall issue to all state agency purchasing agents a schedule of commodities and services made by the work center and the conditions under which they are to be procured from the workshops.

(2) The schedule shall include the item or service description.

(e) Arkansas Rehabilitation Services and the Division of State Services for the Blind shall undertake the inspection on a continuing basis of the workshops certified by each respective state agency to determine that they operate in accordance with the requirements of the statute and the regulations of this section.

(f)(1)(A) In order to qualify for participation in the program as a work center, an organization shall submit an application to the Office of State Procurement.

(B) If required for all vendors, there should be included a list of the commodities and services offered for sale to the state.

(2) Work centers shall:

(A) Furnish commodities and services in strict accordance with the allocation and government order;

(B) Maintain records of wages paid, hours of employment, and sales;

(C) Make available pertinent books and records of the state agency for inspection at any reasonable time to representatives of Arkansas Rehabilitation Services or the Division of State Services for the Blind, as applicable; and

(D)(i) Submit to Arkansas Rehabilitation Services or the Division of State Services for the Blind, as applicable, by September 1 an annual report for the preceding fiscal year.

(ii) This report shall include data on individuals with disabilities who are workers, wages and wage supplements, hours of employment, sales, whether the workshop requires a facilities sheltered workshop certificate from the United States Department of Labor and special minimum rates authorized where such certificate is held, and such other relevant information as may be required.

(g) When a commodity or service is identified in the schedule of work center-made commodities and services as being available through the Office of State Procurement, it shall be obtained in accordance with the requisitioning procedures of the supplying state agency.

(h) An ordering office may purchase from a nonworkshop source commodities or services listed in the schedule of commodities and services made by the work center in any of the following circumstances:

(1) Necessity requires delivery within the specified period, and the work center cannot give assurance of positive availability;

(2) When commodities listed on the schedule of work center-made commodities can be purchased from a non-work-center source by the state agency for a price more than ten percent (10%) lower than commodities made by the work center included in the schedule; or

(3) Services offered by any work center shall be procured by any state agency in accordance with this section at a price not more than ten percent (10%) above the lowest price submitted from a non-work-center source.

(i) Product commodities made by a work center shall be delivered in accordance with the terms of the purchase order.

(j) When a workshop fails to comply with the terms of a government order, the ordering office shall make reasonable efforts to negotiate an adjustment before taking action to cancel the order.

(k) Any alleged violation of these regulations shall be investigated by the Office of State Procurement, which shall notify the work center concerned and afford it an opportunity to submit a statement of facts and evidence.

History. Acts 2001, No. 1718, § 1; 2007, No. 186, § 7; 2011, No. 807, § 1.

Amendments. The 2011 amendment deleted former (b)(1) and (b)(3), inserted present (b)(3), and redesignated the remaining subdivisions accordingly; added present (b)(8)(B)(ii) and (b)(9); in (e), in-

serted "and the Division of State Services for the Blind" and substituted "each respective state agency" for "Arkansas Rehabilitation Services"; and inserted "or the Division of State Services for the Blind, as applicable" in (f)(2)(C) and (f)(2)(D)(i); and made stylistic changes.

SUBCHAPTER 10 — PROFESSIONAL AND CONSULTANT SERVICES CONTRACTS

SECTION.

19-11-1001. Definitions.

19-11-1003. Contracts exempted.

A.C.R.C. Notes. Acts 2009, No. 706, § 1, provided: "Contracts using funds provided by American Recovery and Reinvestment Act of 2009.

"(a) Due to restrictive time limitations to award contracts with supplemental federal funding provided by the United States Government under the American Recovery and Reinvestment Act of 2009, P.L. 111-5, the following shall apply to contracts using those funds:

"(1)(A) For the purposes of a contract using funds provided by the American Recovery and Reinvestment Act of 2009, P.L. 111-5, a design professional contract means a contract that is primarily for:

"(i) Minor projects that are time critical; or

"(ii) Capital improvement projects that do not exceed 34 five million dollars (\$5,000,000) in cost.

"(B) A rule, procedure, or criteria shall not increase the period of years required by § 19-11-238;

"(2)(A) A contract for professional and consultant services, including a design professional contract, when the total contract amount exceeds twenty-five thousand dollars (\$25,000) shall not require review by the Legislative Council or the Joint Budget Committee if the General Assembly 6 is in session before execution of the contract.

"(B) The Bureau of Legislative Research shall be notified as soon as practicable of contracts before execution.

"(C) Contracts shall be identified and reported on a monthly basis to the Legislative Council or the Joint Budget Committee if the General Assembly is in session; and

"(3)(A) A contract for technical and general services, except those that are specifically exempt from review, requiring the service of an individual for regular full-time or part-time weekly work in the following areas shall not require prior review by the Legislative Council or the Joint Budget Committee, if the General

Assembly is in session, if the total amount of a contract exceeds one hundred thousand dollars (\$100,000):

"(i) Information technology; or

"(ii) The actual delivery of health care, human services, or educational services.

"(B) The Bureau of Legislative Research shall be notified as soon as practicable of a contract before execution of the contract.

"(C) Contracts shall be identified and reported on a monthly basis to the Legislative Council or to the Joint Budget Committee, if the General Assembly is in session, if the total amount of the contract exceeds one hundred thousand dollars (\$100,000).

"(b) This act expires on September 30, 2010."

Effective Dates. Acts 2009, Nos. 605 and 606, § 27: Mar. 25, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the people of the State of Arkansas overwhelmingly approved the establishment of lotteries at the 2008 General Election; that lotteries will provide funding for scholarships to the citizens of this state; that the failure to immediately implement this act will cause a reduction in lottery proceeds that will harm the educational and economic success of potential students eligible to receive scholarships under the act; and that the state lotteries should be implemented as soon as possible to effectuate the will of the citizens of this state and implement lottery-funded scholarships as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

19-11-1001. Definitions.

As used in this subchapter:

(1) "Consultant services contract" means a contract between a state agency and an individual or organization in which:

(A) The service to be rendered to the state agency or to a third-party beneficiary under the contract is primarily the giving of advice by the contractor on a particular problem facing the state agency or the third-party beneficiary;

(B) The contractor is an independent contractor with respect to the state agency;

(C) The state agency does not exercise managerial control over the day-to-day activities of the contractor; and

(D) The contract specifies the results expected from the services to be rendered by the contractor and the advice or assistance to be provided;

(2) "Contractor" means any person or organization that executes a contract with a state agency under which the person or organization agrees to provide professional services or consultant services to the state agency, and the individuals performing the services are not state employees occupying regular full-time or part-time or extra help positions provided by law;

(3)(A) "Design professional contract" means a contract that is primarily for:

(i) Minor projects that are time critical; and

(ii) Minor remodeling projects that do not exceed one million dollars (\$1,000,000) in cost.

(B) Design professional contracts are primarily for the procurement of architectural, engineering, and professional services competitively selected under § 19-11-801 et seq.

(C) Design professional contracts shall be reviewed by the agency or institution at least yearly and adjusted to reflect historical expenditures.

(D)(i) A state agency shall follow applicable Arkansas Building Authority guidelines, procedures, and rules for the selection and award of contracts.

(ii) However, a guideline, procedure, or rule of the authority shall not increase or decrease the:

(a) Dollar amount under subdivision (3)(A)(ii) of this section; or

(b) Specified period under § 19-11-238(a).

(E) Institutions of higher education that are exempt from review and approval of the Arkansas Building Authority shall comply with the provisions of this section;

(4) "Director" means the State Procurement Director;

(5) "Employee" means an individual drawing a salary from a state agency, whether elected or not, and any nonsalaried individual performing professional services for any state agency;

(6) "Professional services contract" means a contract between a state agency and a contractor in which:

(A) The relationship between the contractor and the state agency is that of an independent contractor rather than that of an employee;

(B) The services to be rendered consist of the personal services of an individual that are professional in nature;

(C) The state agency does not have direct managerial control over the day-to-day activities of the individual providing the services;

(D) The contract specifies the results expected from the rendering of the services rather than detailing the manner in which the services shall be rendered; and

(E) Services rendered under a professional services contract are rendered to the state agency itself or to a third-party beneficiary; and

(7) "State agency" means any department, agency, board, commission, or institution of higher education of the State of Arkansas.

History. Acts 2003, No. 1315, § 13; **Amendments.** The 2009 amendment 2007, No. 478, § 7; 2009, No. 532, § 1. rewrote (3)(D).

19-11-1003. Contracts exempted.

(a) This subchapter shall not apply to the contracts of the Arkansas State Highway and Transportation Department that are covered by the technical work requirements and administrative controls of the Federal Highway Administration, nor shall the provisions of this subchapter be applicable to contracts entered into by the department in which the costs and fees are established by competitive bidding.

(b) This subchapter shall not apply to contracts of institutions of higher education that are for services related to patents, copyrights, or trademarks.

(c) This subchapter does not apply to contracts created under federally approved state plans for services reimbursed under Title V of the Social Security Act, 42 U.S.C. §§ 701 — 710, or Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 — 1396v, as they existed on January 1, 2001, if those contracts and services conform to all applicable federal laws and rules, and to the ethical standards provided for in § 19-11-704.

(d) This subchapter does not apply to major procurement contracts of the Arkansas Lottery Commission under § 23-115-103.

History. Acts 2003, No. 1315, § 13; by identical acts Nos. 605 and 606 added 2009, No. 605, § 22; 2009, No. 606, § 22. (d).

Amendments. The 2009 amendment

SUBCHAPTER 11 — PURCHASE OF TECHNOLOGY SYSTEMS

SECTION.

19-11-1103. Exemptions.

Effective Dates. Acts 2009, Nos. 605 and 606, § 27: Mar. 25, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the

State of Arkansas that the people of the State of Arkansas overwhelmingly approved the establishment of lotteries at the 2008 General Election; that lotteries

will provide funding for scholarships to the citizens of this state; that the failure to immediately implement this act will cause a reduction in lottery proceeds that will harm the educational and economic success of potential students eligible to receive scholarships under the act; and that the state lotteries should be implemented as soon as possible to effectuate the will of the citizens of this state and implement lottery-funded scholarships as soon as possible. Therefore, an emergency

is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

19-11-1103. Exemptions.

This subchapter does not apply to major procurement contracts of the Arkansas Lottery Commission under § 23-115-103.

History. Acts 2009, No. 605, § 23; 2009, No. 606, § 23.

**SUBCHAPTER 13 — PARTIAL EQUITY OWNERSHIP AGREEMENT EXECUTED BY
A STATE RETIREMENT SYSTEM**

SECTION.

- 19-11-1301. Definition.
- 19-11-1302. Review of partial equity ownership agreements.
- 19-11-1303. Imminent need to enter into a partial equity ownership agreement.

SECTION.

- 19-11-1304. Retrospective review of a partial equity ownership agreement to ensure disclosure.

Acts 2009, No. 1211, § 3: Apr. 7, 2009. Emergency clause provided “It is found and determined by the General Assembly of the State of Arkansas that a partial equity ownership agreement is fundamentally and substantially different than a state contract for commodities, technical and general services, and professional and consultant services that are procured under the Arkansas Procurement Law § 19-11-201 et seq., and other contracts currently procured under Arkansas Code, Title 19, Chapter 11; that frugal investment practices often require a minimum duration of ten (10) years or more for the interest to mature; that a partial equity ownership agreement is necessary for certain size trust funds to fulfill the requirements of the prudent investor rule; that a partial equity ownership agreement

should be subject to a procurement process that is unique to the partial equity ownership agreement; that currently there is a lack of clarification in the law regarding a proper review process for partial equity ownership agreements; and that this new section will resolve the issue with the intent to preserve the review process for a partial equity ownership agreement and allow flexibility in the review for a narrow and clearly defined exception. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the

bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

19-11-1301. Definition.

As used in this subchapter, “partial equity ownership agreement” means an agreement with a legal entity, including without limitation a partnership, a limited partnership, a limited liability company, or similar legal entity that:

(1) Includes a state retirement system as a partner, a limited partner, or a partial owner;

(2) Creates an equity interest or ownership position for the state retirement system; and

(3) Utilizes retirement trust funds that are not appropriated by the General Assembly.

History. Acts 2009, No. 1211, § 2.

19-11-1302. Review of partial equity ownership agreements.

(a) A partial equity ownership agreement is subject to review by submission of the partial equity ownership agreement to the Office of State Procurement and the Legislative Council under this section.

(b) Since the partial equity ownership agreement is fundamentally and substantially different from a state contract for commodities, goods, and services that are reviewed under the Arkansas Procurement Law, § 19-11-201 et seq., or other contract that is reviewed under subchapters 1-12 of this chapter, and since the partial equity ownership agreement is utilizing retirement trust funds that are not appropriated by the General Assembly, the partial equity ownership agreement is not subject to:

(1) A limitation of the term or duration of the partial equity ownership agreement; or

(2) An annual renewal clause.

(c) When submitting a partial equity ownership agreement for review, the state retirement system shall provide information that includes without limitation:

(1) The managing parties to the partial equity ownership agreement;

(2) The state retirement system’s interest and ownership in the partial equity ownership agreement;

(3) The reason for the formation of or entry into the partial equity ownership agreement;

(4) Justification that the duration of the partial equity ownership agreement is necessary to serve the best interests of the retirants under the prudent investor rule as set out in §§ 24-2-610 — 24-2-619;

(5) The anticipated date of implementation of the partial equity ownership;

(6) The anticipated termination date of the partial equity ownership agreement; and

(7) Other information regarding the terms of the partial equity ownership agreement that the office or the Legislative Council may reasonably require for an adequate review.

History. Acts 2009, No. 1211, § 2.

19-11-1303. Imminent need to enter into a partial equity ownership agreement.

(a) In lieu of a review under § 19-11-1302, a partial equity ownership agreement that necessitates immediate formation shall be reviewed by the Office of State Procurement and the Legislative Council under this section.

(b)(1) The board of trustees of a state retirement system may enter into a partial equity ownership agreement or substantially alter the terms of an existing partial equity ownership agreement if the board of trustees passes a resolution that:

(A) Determines an imminent need to immediately form or enter into the partial equity ownership agreement;

(B) Deems it financially appropriate to immediately form or enter into a partial equity ownership agreement; and

(C) Concludes that to forego the opportunity to promptly implement the board of trustees' investment directives under the prudent investor rule as set out in §§ 24-2-610 — 24-2-619 would be inconsistent with the board of trustees' fiduciary duty of care to the retirees.

(2) The board of trustees of the state retirement system shall provide the office and the Legislative Council with a copy of the resolution under subsection (a) of this section within five (5) business days of the passage of the resolution.

(c) For a partial equity ownership agreement reviewed under this section, the retirement system shall submit information to the office and the Legislative Council within thirty (30) days of the passage of the resolution that discloses:

(1) The managing parties to the partial equity ownership agreement;

(2) The state retirement system's interest and ownership in the partial equity ownership agreement;

(3) The reason for the immediate formation or entry into a partial equity ownership agreement;

(4) Justification that the duration of the partial equity ownership agreement is necessary to serve the best interests of the retirees under the prudent investor rule as set out in §§ 24-2-610 — 24-2-619;

(5) The anticipated date of implementation;

(6) The anticipated termination date of the partial equity ownership agreement; and

(7) Other information regarding the terms of the partial equity ownership agreement that the office or the Legislative Council may reasonably require for an adequate review.

(d) As may be reasonably required by the Legislative Council, a member of the board of trustees, the director of the respective state retirement system, or the director's appointee shall appear at the next scheduled meeting of the Legislative Council after the receipt of the information under subsection (c) of this section to present the information and explain the details of the partial equity ownership agreement.

History. Acts 2009, No. 1211, § 2.

19-11-1304. Retrospective review of a partial equity ownership agreement to ensure disclosure.

(a) Before April 7, 2009, if a state retirement system has entered into a partial equity ownership agreement that has not been submitted previously for review under § 19-11-101 et seq., the Arkansas Procurement Law, § 19-11-201 et seq., or § 19-11-801 et seq., then the partial equity ownership agreement shall be reviewed retrospectively under this section.

(b) The board of trustees of a state retirement system shall submit information that the Office of State Procurement or the Legislative Council may reasonably require to allow a retrospective review of a partial equity ownership agreement under this section.

History. Acts 2009, No. 1211, § 2.

CHAPTER 12

TOBACCO SETTLEMENT PROCEEDS ACT

SUBCHAPTER.

1. TOBACCO SETTLEMENT PROCEEDS ACT.

A.C.R.C. Notes. Acts 2011, No. 922, § 6, provided: "POSITIONS.

"(a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

"(b) State funds will not be used to replace Tobacco Settlement funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

"(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

"(d) Whenever applicable the information contained in (a) and (b) of this Section shall be included in the employee handbook and/or Professional Services Contract paid from the proceeds of the Tobacco Settlement.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

Acts 2011, No. 950, § 6, provided: "POSITIONS.

"(a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

"(b) State funds will not be used to replace Tobacco Settlement funds when

such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

“(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

“(d) Whenever applicable the information contained in (a) and (b) of this Section shall be included in the employee handbook and/or Professional Services Contract paid from the proceeds of the Tobacco Settlement.

“The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012.”

Acts 2011, No. 951, § 8, provided: “POSITIONS.

“(a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

“(b) State funds will not be used to replace Tobacco Settlement funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

“(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

“(d) Whenever applicable the information contained in (a) and (b) of this Section shall be included in the employee handbook and/or Professional Services Contract paid from the proceeds of the Tobacco Settlement.”

Acts 2011, No. 965, § 5, provided: “POSITIONS.

“(a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

“(b) State funds will not be used to replace Tobacco Settlement funds when such funds expire, unless appropriated by

the General Assembly and authorized by the Governor.

“(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

“(d) Whenever applicable the information contained in (a) and (b) of this Section shall be included in the employee handbook and/or Professional Services Contract paid from the proceeds of the Tobacco Settlement.

“The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012.”

Acts 2011, No. 966, § 9, provided: “POSITIONS.

“(a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

“(b) State funds will not be used to replace Tobacco Settlement funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

“(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

“(d) Whenever applicable the information contained in (a) and (b) of this Section shall be included in the employee handbook and/or Professional Services Contract paid from the proceeds of the Tobacco Settlement.

“The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012.”

Acts 2011, No. 967, § 6, provided: “POSITIONS.

“(a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

“(b) State funds will not be used to

replace Tobacco Settlement funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

“(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

“(d) Whenever applicable the information contained in (a) and (b) of this Section shall be included in the employee handbook and/or Professional Services Contract paid from the proceeds of the Tobacco Settlement.

“The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012.”

Acts 2011, No. 1059, § 6, provided: “POSITIONS.

“(a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position

paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

“(b) State funds will not be used to replace Tobacco Settlement funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

“(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

“(d) Whenever applicable the information contained in (a) and (b) of this Section shall be included in the employee handbook and/or Professional Services Contract paid from the proceeds of the Tobacco Settlement.

“The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012.”

SUBCHAPTER 1 — TOBACCO SETTLEMENT PROCEEDS ACT

A.C.R.C. Notes. Acts 2010, No. 243, § 11, provided: “LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriation contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests, Executive Recommendations and Legislative Rec-

ommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

“The provisions of this section shall be in effect only from July 1, 2010 through June 30, 2011.”

19-12-116. Establishment and administration of Medicaid Expansion Program.

A.C.R.C. Notes. Acts 2011, No. 951, § 6, provided: “MEDICAID EXPANSION PROGRAM — PAYING ACCOUNTS. The Medicaid Expansion Program as established by Initiated Act 1 of 2000 shall be a separate and distinct component embracing (1) expanded Medicaid coverage and benefits to pregnant women; (2) expanded inpatient and outpatient hospital reimbursements and benefits to adults aged nineteen (19) to sixty-four (64); (3) ex-

panded non-institutional coverage and benefits to adults aged 65 and over; and (4) creation and provision of a limited benefit package to adults aged nineteen (19) to sixty-four (64), to be administered by the Department of Human Services. Separate Paying Accounts shall be established for the Medicaid Expansion Program as designated by the Chief Fiscal Officer of the State, to be used exclusively for the purpose of drawing down federal

funds associated with the federal share of expenditures and for the state share of expenditures transferred from the Medicaid Expansion Program Account or for any

other appropriate state match funds.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

19-12-117. Establishment of the Arkansas Tobacco Settlement Commission.

A.C.R.C. Notes. Acts 2011, No. 1059, § 3, provided: "INDEPENDENT MONITORING AND EVALUATION. The Arkansas Tobacco Settlement Commission shall file a quarterly progress report to the Public Health, Welfare and Labor Committees and shall hire an independent third party to perform monitoring and evaluation of program expenditures made from tobacco settlement funds. This independent third party shall have appropriate experience in health, preventive resources, health statistics and evaluation

expertise. The third party retained to perform such services shall prepare a biennial report to be delivered to the General Assembly and the Governor by each August 1 preceding a regular session of the General Assembly. The report shall be accompanied by a recommendation from the Arkansas Tobacco Settlement Commission as to the continued funding for each program.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

19-12-118. Monitoring and evaluation of programs.

A.C.R.C. Notes. Acts 2011, No. 1059, § 3, provided: "INDEPENDENT MONITORING AND EVALUATION. The Arkansas Tobacco Settlement Commission shall file a quarterly progress report to the Public Health, Welfare and Labor Committees and shall hire an independent third party to perform monitoring and evaluation of program expenditures made from tobacco settlement funds. This independent third party shall have appropriate experience in health, preventive resources, health statistics and evaluation

expertise. The third party retained to perform such services shall prepare a biennial report to be delivered to the General Assembly and the Governor by each August 1 preceding a regular session of the General Assembly. The report shall be accompanied by a recommendation from the Arkansas Tobacco Settlement Commission as to the continued funding for each program.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."















